

**THE PUNJAB LAND REVENUE ACT, 1887**

**(ACT NO. 17 OF 1887)**

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**<sup>1</sup>[THE PUNJAB LAND REVENUE ACT, 1887.]**  
**(ACT No.17 OF 1887)**

[23<sup>RD</sup> September 1887]

Year	No.	Short title	whether repealed or otherwise affected by legislation.
1	2	3	4
1887	17	The Punjab Land Revenue Act, 1887	Repealed in part, Act 12 of 1891. Repealed in part and amended, Act 17 of 1896 Amended, Punjab Act I of 1899 Repealed in part (in Punjab), Act 2 of 1905 Amended, Act 4 of 1907 Amended, Punjab Act 2 of 1912 Amended, Punjab Act 5 of 1912 Amended, Punjab Act 3 of 1914 Repealed in part and amended, Act 4 of 1914, Schedule, Part I Amended, Act 18 of 1919 Amended, Act 38 of 1920 Amended, Punjab Act 3 of 1928 <sup>2</sup> Amended, Punjab Act 7 of 1929 <sup>3</sup> Amended, Punjab Act 6 of 1934 <sup>4</sup>

<sup>1</sup> For Statement of Objects and Reasons, see "Gazette of India", 1887, Part V, page 12.

<sup>2</sup> For Statement of Objects and Reasons, see "Punjab Gazette", 1928, Part V, page 15.

<sup>3</sup> For Statement of Objects and Reasons, see "Punjab Gazette", 1929, Part V, page 80.

<sup>4</sup> For Statement of Objects and Reasons, see "Punjab Gazette", 1934, Extraordinary, p. 101.

Year	No.	Short title	whether repealed or otherwise affected by legislation.
1	2	3	4
1887	17	The Punjab land Revenue Act, 1887	Amended, in part, Government of India (Adaptation of Indian Laws) order, 1937 Repealed in part by Central Act 1 of 1938 Amended in part, by the Adaptation of Laws Order, 1950 Amended, in part by Punjab Act 13 of 1952 <sup>1</sup> Amended, in part, by Punjab Act 45 of 1953 <sup>2</sup> Amended, by Punjab Act 5 of 1956 <sup>3</sup>
			Extended to the territories which immediately before the 1 <sup>st</sup> November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 23 of 1957 <sup>4</sup>
			Amended by Punjab Act 9 of 1958 <sup>5</sup> Amended by Punjab Act 26 of 1958 <sup>6</sup> Amended by Punjab Act 16 of 1963 <sup>7</sup> Amended by Punjab Act 27 of 1964 <sup>8</sup> Amended by Punjab Act 5 of 1966 <sup>9</sup> Amended by Punjab Act 1 of 1968 <sup>10</sup> Amended by Punjab Adaptation of Laws (State and Concurrent Subjects) Order, 1968 Amended by Punjab Act 10 of 1969 <sup>11</sup>

- <sup>1</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1952, page 482.
- <sup>2</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1953, page 1610.
- <sup>3</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1956, page 430.
- <sup>4</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1957, page 694.
- <sup>5</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958, page 328.
- <sup>6</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1963, page 376.
- <sup>7</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958, page 1536.
- <sup>8</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, page 888.
- <sup>9</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1966, page 244.
- <sup>10</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1967, page 887.
- <sup>11</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1969, page 1048.

## ACT NO. 17 OF 1887

### [THE PUNJAB LAND REVENUE ACT, 1887]

#### *An Act to Amend and Declare the Land Revenue Law of the Punjab*

Where it is expedient to amend and declare the law in force in the Punjab with respect to the making and maintenance of records-of rights in land, the assessment and collection of land-revenue and other matters relating to land and the liabilities incident thereto, it is hereby enacted as follows : -

### CHAPTER I PRELIMINARY

1. **Title, extent and commencement:** - (1) This Act may be called the Punjab Land Revenue Act, 1887.  
(2) It extends to the territories <sup>2</sup>\* \* \* administered by the <sup>3</sup>[State Government] of Punjab [ \* \* \* \* \* ] <sup>4</sup>, but not so as to affect otherwise than as expressly provided by this Act , any Regulation in force under the provisions of the Statute 33, Victoria Chapter 3, Section 1, in any portion of those territories, and  
(3) <sup>5</sup>It shall come into force on such day as the <sup>3</sup>[State Government] with the previous sanction of the <sup>6</sup>[Central Government], may by notification appoint in this behalf.

## XII OF 1891 : -

(4) [Repealed by the Repealing and Amending Act, 1891, section 2 and Schedule]

<sup>1</sup> Extended to the territories which immediately before the 1<sup>st</sup> November, 1956, were comprised in the State of Patiala and East Punjab States Union by the Punjab Act 23 of 1957.

<sup>2</sup> The words "for the time being" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 and the Adaptation of Laws Order, 1950.

<sup>4</sup> The words "including the paragana of Spiti" omitted by Punjab adaptation of Laws (State and Concurrent Subjects) Order, 1966.

<sup>5</sup> The Act came into force on 1<sup>st</sup> November, 1887, see Notification No. 727 "Punjab Gazette", 3<sup>rd</sup> November, 1887, Part I, p. 573.

<sup>6</sup> Substituted for the words "Governor-General in Council" by the Government of India (Adaptation of India Laws) Order, 1937.

**2. Repeal:** - [Repealed by the Repealing Act, 1938, section 2 and Schedule].

**3. Definition:** - In this Act, unless there is something repugnant in the subject or context;

(1) "estate" means any area—

- (a) for which a separate record-of-rights has been made; or
- (b) which has been separately assessed to land revenue, or would have been so assessed if the land-revenue had not been released, compounded for or redeemed; or
- (c) which the <sup>1</sup>[State Government] may, by general rule or special order, declare to be an estate;

(2) "land-owner" does not include a tenant or an assignee of land-revenue, but does not include a person to whom a holding has been transferred, or an estate or holding has been let in farm, under this Act for the recovery of an arrear of land-revenue or of a sum recoverable as such an arrear and every other person not hereinbefore in this clause mentioned who is in possession of an estate or any share or portion thereof, or in the enjoyment of any part of the profits of an estate;

(3) "holding" means a share or portion of an estate held by the land-owner or jointly by two or more land-owners.

## XVII of 1887 : -

(4) "rent", "tenant", "landlord" and "tenancy" have the meanings respectively assigned to those words in the Punjab Tenancy Act, 1887:

(5) “pay” with its grammatical variations and cognate expressions includes when used with reference to rent. “deliver” and “render” with their grammatical variations and cognate expressions;

<sup>1</sup>Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws ) Order, 1937, and the Adaptation of Laws Order, 1950.

(6) “land-revenue “ includes assigned land-revenue and any sum payable in respect of land, by way of quit-rent or of commutation for service, to the <sup>1</sup>[Government] or to a person to whom the <sup>1</sup>[Government] has assigned the right to receive the payment;

(7) “ arrear of land-revenue” means land-revenue which remains unpaid after the date on which it becomes payable;

(8) “defaulter” means a person liable for an arrear of land-revenue, and includes a person who is responsible as surety for the payment of the arrear;

(9) “rates and cesses” means rates and cesses which are primarily payable by land-owners; and includes : -

XII of 1873 : -

[(a) Repealed by the Repealing and Amending Act, 1891; ]

(b) the local rate, if any, payable under the Punjab District Boards Act, 1883, and any fee leviable under section 33 of that Act from land-owners for the use of or benefits derived from such works as are referred to in section 20, clauses (i) and (j), of that Act;

**VIII of 1873 : -**

(c) any annual rate chargeable on owners of land under section 59 of the Northern India Canal and Drainage Act, 1873<sup>2</sup> ;

(d) the [ \* \* \* ]<sup>3</sup> village-officers cesses; and

(e) sums payable on account of village expenses.

(10) “ village-cess” includes any cess, contribution or due which is customarily leviable within an estate and is neither a payment for the use of private property or for personal service nor imposed by or under any enactment for the time being in force;



<sup>1</sup> Substituted for the word “Crown” by the Adaptation of Laws Order, 1950.

<sup>2</sup> This must not be confounded with owner’s rate imposed under section 37 of Act 8 of 1873.

<sup>3</sup> The words “Zaildari and” omitted by Punjab Act 27 of 1964 section 2.

(11) “village-officer” means a chief-headman, or patwari;

(12) “Revenue-officer” having authority under this Act to discharge the functions of a Revenue-officer under that provision;

### **XVIII of 1879 :-**

(13) “legal practitioner” means any legal practitioner within the meaning of the Legal Practitioners Act, 1879, except a mukhtar;

(14) “agricultural year” means the year commencing on the sixteenth day of June, or on such other date as the <sup>1</sup>[State Government] may by notification appoint for any local area;

(15) “notification” means a notification published by authority of <sup>1</sup>[State Government] in the official Gazette;

(16) “incumbrance” means a charge upon or claim against land arising out of a private grant or contract;

(17) “survey-mark” includes boundary-mark; and

<sup>2</sup>[(18) “Net-assets” of an estate or group of estates means the estimated average annual surplus produce of such estate or group of estates remaining after deduction of the ordinary expenses of cultivation as ascertained or estimated.

*Explanation-* Ordinary Expenses of cultivation include payments, if any, which the landowner customarily bears whether in kind or in cash either in whole or in part in respect of-

- (1) water rates,
- (2) maintenance of means of irrigation,
- (3) maintenance of embankments,

<sup>1</sup>Substituted for the words “Local Government” by Government of India (Adaptation of Indian Laws) Order, and the Adaptation of Laws Order, 1950.

<sup>2</sup>Inserted by Punjab Act 3 of 1928.

(4) supply of seed,

- (5) supply of manure,
- (6) improved implements of husbandry,
- (7) concessions with regard to fodder,
- (8) special abatements made for fallows or bad harvests,
- (9) cost of collection of rent,
- (10) allowance for storage in collection of rent,

(11) interest charges payable in respect of advances made in cash, free of interest, to tenants for the purposes of cultivation,

(12) wages or customary dues paid to artisans or menials whose products or labour are utilized for the purposes of cultivation and harvesting, and the share that would be retainable by a tenant if the land were let to a non-occupancy tenant paying rent, whether in cash or in kind, at the normal rate actually prevalent in the estate or group of estates.]

<sup>1</sup>[(18-A) “net letting value” of a site put to non-agricultural use means the estimated annual rent of the site remaining after deduction of--

- (i) fair remuneration for the capital invested in building or machinery or both after deducting the depreciation on their value;
- (ii) house-tax, property-tax; and
- (iii) maintenance charges not exceeding one month’s gross rent, as ascertained or estimated in the manner prescribed.

**Explanation:** - where no reliable data regarding the cost of building and machinery on a site is forthcoming or is otherwise not available valuation and depreciation shall be based on the standards of the Public Works Department of Punjab State.]

<sup>1</sup>*New clause (18-A), inserted by Punjab Act 9 of 1953, section 3.*

<sup>1</sup>[(19) “Assessment Circle” means a group of estates which in the opinion of the Financial Commissioner; the recorded in an order in writing , are sufficiently homogeneous to admit of a common set of rates being used as a general guide in calculating the land revenue to be assessed upon them.]

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**4. Exclusion of certain land form operation of Act :** - (1) Except so far as may be necessary for the record, recovery and administration of village cesses, nothing in this Act applies to land which is occupied as the site of a <sup>2</sup>[ \* \* ] village and is not assessed to land revenue.

(2) A Revenue-officer may define, for the purposes of this Act the limits of <sup>3</sup>[ the site of a village ] :

<sup>4</sup>[ *Explanation* : - For the purposes of this section a site within the limit of a municipality or a notified area shall not be deemed to be the site of a village.]

<sup>5</sup>**5. Power to vary limit and alter number of tehsils, districts and divisions :** - The <sup>6</sup> [ State ] Government may, by notification, vary the limits and alter the numbers of tahsils, districts and divisions into which the <sup>7</sup>[ State ] is divided.]

## CHAPTER II REVENUE-OFFICERS

**6. Classes and Powers -** (1) There shall be the following classes of Revenue-officers, namely : -

- (a) the Financial Commissioner ;
- (b) the Commissioner ;
- © the Collector;
- (d) the Assistant Collector of the first grade;
- and
- (e) the Assistant Collector of the second grade.

<sup>1</sup> Clause (19), inserted by Act 3 of 1928.

<sup>2</sup> The words, "town or" omitted by Act 9 of 1958, section 3.

<sup>3</sup> Substituted for the words "any such land" by Act 9 of 1958, section 3.

<sup>4</sup> Explanation added by *ibid*.

<sup>5</sup> Substituted for the old section by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>6</sup> Substituted for "Provisional" by Adaptation of Laws Order, 1950.

<sup>7</sup> Substituted for "Province" by *ibid.*

(1) The Deputy Commissioner of a district shall be the Collector thereof.

(2) The <sup>1</sup>[ State Government ] may appoint any Assistant Commissioner, Extra Assistant Commissioner or Tehsildar to be an Assistant Collector of the first or of the second grade, as it thinks fit, and any Naib-Tehsildar to be an Assistant Collector of the second grade. \*

(3) Appointment under sub-section (3) shall be by notification and may be of a person specially by name or by virtue of his office or of more persons than one by any description sufficient for their identification.

(4) Subject to the provisions of this Act, the jurisdiction of the Financial Commissioner extends to the whole of the territories \* 2 \* \* administrated by he <sup>1</sup>[State Government ] of Punjab and of Commissioners and of Collectors and Assistant Collectors to the divisions and districts, respectively, in which they are for the time being employed.

**7. Financial Commissioner :** - (1) There shall be one or more Financial Commissioners, who shall be appointed <sup>3</sup> \* \* <sup>4</sup> \* \* \* \* by the [State Government ].

<sup>1</sup> Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

\* Vide Punjab Government Notification No. 731, dated 1<sup>st</sup> November, 1887, all Assistant Commissioners and Extra Assistant Commissioners who have not been invested with the power of the Assistant Collector of the first grade have been appointed Assistant Collectors of second grade, and,--vide Punjab Government Notification No. 730, of the same date, all Tahsildars and Naib-Tahsildars have been appointed Assistant Collectors of the second grade.

See also Punjab Government Notification No. 684, dated the 18<sup>th</sup> September, 1893, appointing all Assistant Commissioners and Extra Assistant Commissioners, who have been invested with the powers of a Magistrate of the first or second class under the Criminal Procedure Code and also with powers of a Munsif of the first or second class under the Punjab Courts Act as Assistant Collectors of the first grade.

<sup>2</sup> The words "for the time being" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> The words "and may be removed" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>4</sup> The words "with the previous sanction of the Governor-General in Council were repealed by the Decentralization" Act, 1914, 4 of 1914).

(2) Where more Financial Commissioners than one have been appointed, the <sup>1</sup>[State Government] may make rules<sup>2</sup> as to the distribution among them of business under this or any other Act, and by those rules require any case or class or classes of cases to be considered and disposed of by the Financial Commissioners collectively.

(3) When there is a difference of opinion among the Financial Commissioners as to any decree or order to be made in a case which they are required by rules under the last foregoing sub-section to consider, and dispose of collectively, the following rules shall apply, namely : -

(a) Where the case is an appeal or a case on review or revision, it shall be decided in accordance with the opinion of the majority of the Financial Commissioners, or if there is no such majority which concurs in a decision modifying or reversing the decree or order under appeal, review or revision, that decree or order shall be affirmed; and

(b) Where the case is not an appeal or a case on review or revision, the matter respecting which there is the difference of opinion shall be referred to the <sup>1</sup>[State Government] for decision and the decision of that Government with respect thereto shall be final.

(4) The expression “Financial Commissioner” in this or any other Act shall, when there are more Financial Commissioners than one, be construed as meaning one or more of the Financial Commissioners as the rules for the time being in force under sub-section (2) may require.

### **XVII of 1884 :-**

(5) The second Financial Commissioner appointed under section 52 of the <sup>3</sup>Punjab Courts Act, 1884 shall be deemed to have had jurisdiction on and

<sup>1</sup> Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.

<sup>2</sup> For rules under S. 7(2), see Notification No. 132, Punjab Gazette, Extraordinarily, 1<sup>st</sup> March, 1888, p. 1.

<sup>3</sup> See now the Punjab Courts Act, 1918 (Punjab Act 6 of 1918).

After the first day of November, 1884, to make, any decree or order or dispose of any other business which might have been made or disposed of by the other Financial Commissioner.

**8. Appointment of Commissioners, and of Deputy, Assistant and Extra Assistant Commissioners** - Commissioners, Deputy Commissioners, Assistant Commissioners and Extra Assistant Commissioners shall be appointed <sup>1</sup>\* \* \* by the <sup>2</sup>[State Government].

**9. Appointment of Tahsildars and Naib-Tahsildars :-** The <sup>2</sup>[State Government] shall fix the number of Tahsildars and Naib-Tahsildars to be appointed <sup>3</sup>\* \* \* .

**410. Powers of Revenue-officers :-** Except where the class of the Revenue-officer by whom any function is to be discharged is specified in this Act, the <sup>2</sup>[State Government] may, by

notification determine the functions to be discharged under this Act by any class of Revenue-officers.

### **Administrative Control**

**511. Superintendence and control of Revenue-officers :** - (1) The Financial Commissioner shall subject to the control of the <sup>2</sup>[State Government].

(2) The general superintendence and control over all other Revenue –officers shall be vested in , and all such officers shall be subordinate to the Financial Commissioner.

(3) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other Revenue-officers in his division.

<sup>1</sup>The words “and may be removed” were omitted by the Government of India (Adaptation of Indian Laws ) Order, 1937

<sup>2</sup>Substituted for the words “ Local Government’ by the Government of India (Adaptation of Indian Laws ) Order, 1937, and the Adaptation of Laws Order, 1950.

<sup>3</sup>The words “and the Financial Commissioner may make rules for their appointment and removal” were omitted by the Government of India (Adaptation of Indian Laws ) Order, 1937.

<sup>4</sup>For directions S. 10, see Notification No. 81, Punjab Gazette, Extraordinary, 1<sup>st</sup> March, 1888, p, 93.

<sup>5</sup>For rules under S. 11(1), see Notification No. 132, , Punjab Gazette, Extraordinary, 1<sup>st</sup> March, 1886, p. 1.

(4) Subject as aforesaid and to the control of the Commissioner, a Collector shall control all other Revenue-officers in his district.

**12. Power to distribute business and withdraw and transfer cases:** - (1) The Financial Commissioner or a Commissioner or Collector may by written order distribute, in such manner as he thinks fit, any business cognizable by any Revenue-officer under his control.

(2) The Financial Commissioner or a Commissioner or Collector may withdraw any case pending before any Revenue-officer under his control, and either dispose of it himself, or by written order refer it for disposal to any other Revenue-officer under his control.

(3) An order under sub-section (1) or sub-section (2) shall not empower any officer to exercise any powers or deal with any business which he would not be competent to exercise or

deal with within the local limits of his own Jurisdiction.

### **Appeal, Review and Revision**

**13. Appeals:** -Save as otherwise provided by this Act, an appeal shall lie from an original or appellate order of a Revenue-officer as follows, namely: -

- (a) to the Collector when the order is made by an Assistant Collector of either grade;
- (b) to the Commissioner when the order is made by a Collector;
- (c) to the Financial Commissioner when the order is made by a Commissioner:

Provided that--

- (i) when an original order is confirmed on first appeal, a further appeal shall not lie;
- (ii) when any such order is modified or reversed on appeal by the Collector, the order made by the Commissioner on further appeal, if any, to him shall be final.

**14. Limitation for Appeals:** -Save as otherwise provided by this Act, the period of limitation for an appeal under the last foregoing section shall run from the date of the order appealed against, and shall be as follows that is to say--

- (a) when the appeals lies to the Collector—thirty days;
- (b) when the appeal lies to the Commissioner—sixty days;
- (c) when the appeal lies to the Financial Commissioner—ninety days;

**15. Review by Revenue-officers:** - (1) A Revenue-officer may, either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, any order passed by himself or by any of his predecessors in office :

Provided as follows: -

- (a) when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed, and when a Revenue-officer of a class below that of Collector proposes to review any order whither passed by himself or by any of his predecessors in office, he shall first obtain the sanction of the Revenue-officer to whose control he is immediately subject ;



(b) an application for review of an order shall not be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the Revenue-officer that he had sufficient cause for not making the application within that period ;

(c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order ;

(d) an order against which an appeal has been preferred shall not be reviewed.

(2) For the purposes of this section, the Collector shall be deemed to be the successor in office of any Revenue-officer of a lower class who has left the district or has ceased to exercise powers as Revenue-officer, and to whom there is no successor in office.

(3) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

**16. Power to call for examine and revise proceedings of Revenue-officers :** -(1) The Financial Commissioner may at any time call for the record of any case pending before, or disposed by, any Revenue –officer subordinate to him.

(2) A Commissioner or Collector may call for the record of any case pending before, or disposed of by, any Revenue officer under his control.

(3) If in any case in which a Commissioner or Collector has called for a record he is of opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner.

(4) The Financial Commissioner may in any case called for by himself under sub-section (1) or reported to him under sub-section (3) pass such order as he thinks fit :

Provided that he shall not under this section pass an order reversing or modifying any proceeding or order of a subordinate Revenue-officer and affecting any question of right between private persons without giving those persons an opportunity of being heard.

### **Procedure**

**17. Power to make rules as to procedure:** - <sup>1</sup>(1) The <sup>2</sup>[State Government] may make rules consistent with this Act for regulating the procedure of Revenue-officer under this Act in cases in which a procedure is not prescribed by this Act.

<sup>1</sup> For rules under S. 17(1), see Notification No. 75, Punjab Gazette, Extraordinary, 1<sup>st</sup> March, 1888, p. 51,

*Notification No. 235, Punjab Gazette, Extraordinary, dated 25 May, 1901; p. 4.*

<sup>2</sup>*Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.*

(2) The rules may provide, among other matters, for the mode of enforcing orders of ejectment from, and delivery of possession of, immovable property, to contempts, resistance and the like which a Civil and rules providing for these matters may confer on a Revenue-officer all or any of the powers in regard Court may exercise in the execution of a decree where-by it has adjudged ejectment from, or delivery of possession of, such property.

(3) Subject to the rules under this section a Revenue-officer may refer any case which he is empowered to dispose of under this Act to another Revenue-officer for investigation and report, and may decide the case upon the report.

**18. Persons by whom appearances and applications may be made before and to Revenue-officers:**

-(1) Appearances before a Revenue-officer, and applications to and acts to be done before him, under this Act may be made or done--

- (a) by the parties themselves; or
- (b) by their recognized agents or a legal practitioner :

Provided that the employment of a recognized agent or legal practitioners shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of the officer.

(2) For the purposes of sub-section (1), recognized agents shall be such as the <sup>1</sup>[State Government] may by notification declare in this behalf.

(3) The fees of a legal practitioner shall not be allowed as costs in any proceedings before a Revenue-officer under this Act unless that officer considers, for reasons to be recorded by him in writing, that the fees should be allowed.

<sup>1</sup>*Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.*

**19. Power of Revenue officer to summon persons:** - (1) A Revenue-officer may summon any person whose attendance he considers necessary for the purpose of any business before him

as a Revenue-officer.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person, or, if the summons so allows, by his recognized agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the Revenue-officer may require.

**20. Mode of service of summons:** - (1) A summons issued by a Revenue-officer shall, if practicable, be served (a) personally on the person to whom it is addressed or failing him (b) his recognized agent or (c) an adult male member of his family usually residing with him.

(2) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that person does not reside in the district in which the summons relates has reference to land in that district, then by posting a copy of the summons on some conspicuous place in or near the estate wherein the land is situate.

(3) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the Revenue-officer so directs, be served by delivery of a copy thereof to such of those persons as the Revenue-officer nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.

**XIV of 1866: -**

(4) A summons may, if the Revenue-officer so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866<sup>1</sup>.

(5) When a summons is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the Revenue-officer may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post.

**21. Mode of service of notice, order of proclamation, or copy thereof:** - A notice, order of proclamation or copy of any such document, issued by a Revenue-officer for service on any person shall be served in the manner provided in the last foregoing section for the service of a summons.

**22. Mode of making proclamation:** -When a proclamation relating to any land is issued by a Revenue-officer, it shall, in addition to any other mode of publication which may be prescribed in any provisions of this Act, be made by beat of drum or other customary method, and by posting of a copy thereof on a conspicuous place in or near the land to which it relates.

### **Supplemental Provision**

**23. Place of Sitting:** -(1) An Assistant Collector may exercise his powers under this Act at any place within the limits of the district in which he is employed.

(2) Any other Revenue-officer may only exercise his powers under this Act within the local limits of his jurisdiction.

<sup>1</sup> See new Chapter VI of the Indian Post Office Act, 1898 (6 of 1898).

**24. Holiday:** - (1) The Financial Commissioner, with the approval of the <sup>1</sup>[State Government], shall publish in the <sup>2</sup>[Official Gazette], before the commencement of each calendar year a list of days to be observed in that year as holidays by all or any Revenue-officers.

(2) A proceeding had before a Revenue-officer on a day specified in the list as a day to be observed by him as a holiday shall not be invalid by reasons only of its having been had on that day.

**25. Discharge of duties of Collector dying or being disabled:** - When a Collector dies or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the <sup>1</sup>[ State Government ] in this behalf shall be deemed to be a Collector under this Act.

**26. Retention of powers by Revenue-officers on transfer:** -When a Revenue-officer of any class who has been invested under the foregoing provisions of this Act with any powers to be

exercised in any local area is transferred from that local area to another as a Revenue-officer of the same or a higher class, he shall continue to exercise those powers in that local area unless the <sup>1</sup>[State Government] otherwise directs or has otherwise directed.

**27. Conferment of powers by Revenue-officer :** - (1) The <sup>1</sup>[State Government] may by notification confer on any person --

- (a) all or any of the powers of a Financial Commissioner, Commissioner or Collector under this Act ; or
- (b) all or any of the powers with which an Assistant Collector may be invested there under and may by notification withdraw any powers so conferred.

<sup>1</sup> Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937. and the Adaptation of Laws Order, 1950.

<sup>2</sup> Substituted for the words "Local Official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(2) A person on whom powers are conferred under sub-section (1) shall exercise those powers within such local limits and in such classes of cases as the <sup>1</sup>[State Government] may direct, and, except as otherwise directed by the <sup>1</sup>[State Government], shall for all purposes connected with the exercise thereof deemed to be a Financial Commissioner, Commissioner, Collector or Assistant Collector, as the case may be.

(3) In any of the powers of a Collector under this Act are conferred on an Assistant Collector , they shall, unless the <sup>1</sup>[State Government] by special order otherwise directs , be exercised by him subject to the control of the Collector.

### CHAPTER III

#### KANUNGOS, ZAILDARS, INAMDARS AND VILLAGE-OFFICERS

**<sup>2</sup>28. Rules respecting Kanungos, and village-officers :** - (1) The <sup>3</sup>[State Government] may make rules to regulate appointments, duties, emoluments, punishment, suspension and removal of kanungos, <sup>4</sup>[ \* \* \* \* <sup>4</sup>[ \* \* 1 \* \* ] and village-officers.

5[ (2) \* \* \* \* \* ]

**6[29. Village-officers cess :** - (1) The <sup>3</sup>[State Government] may , by notification, impose on all or any estates in territories for the time being administered by it a cess , to be called the village-officers' cess, at such rate or rates not exceeding <sup>7</sup>[half an Anna] for every rupee of the annual value as it may think fit, for remunerating <sup>1</sup>[headmen and chief headmen] in those territories and defraying other expenditure directly connected with the supervision of those officers or with the performance of their duties.

<sup>1</sup> Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.

<sup>2</sup> For rules see infra.

<sup>3</sup> Substituted for the words "Financial Commissioner" by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.

<sup>4</sup> The words "Zaildars, inamdars" omitted by Punjab Act 27 of 1964, section 3.

<sup>5</sup> Firstly sub-section (2) of section 28 was substituted by Act 17 of 1896 and now omitted by Punjab Act No. 27 of 1964, section 3.

<sup>6</sup> Substituted by Act 17 of 1896, section 2.

<sup>7</sup> These words were substituted for the words "one anna" by the Repealing and Amending (Rates and cesses) Act, 1907 (4 of 1907).

(2) 'Annual value' in sub-section (1) has the meaning assigned to that expression in the Punjab District Board Act, 1883, that is to say:-

- (a) double the land-revenue for the time being assessed on any land, weather the assessment is leviable or not; or
- (b) where, the land-revenue has been permanently assessed or has been wholly or in part compounded for or redeemed, double the amount which, but for such permanent assessment, composition or redemption would have been leviable; or
- (c) where no land-revenue has been assessed double the amount which would have been assessed, if the average village-rate had been applied :

Provided that, in any tract in which, under the settlement for the time being in force, the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, and a rate has been imposed in respect of such improvement, that rate shall be added to the land-revenue for the purpose of computing the annual value.

(3) The Financial Commissioner may take rules for the collection, control and expenditure

of the village officers' cess.

(4) All cesses now levied in any local area for the purposes mentioned in sub-section (1) shall be deemed to have been lawfully imposed and shall, until the village-officers' cess is imposed in that local area under that sub-section, be deemed to be lawfully leviable and, for the purposes of this section, to be that cess.]

<sup>1</sup>*The words were substituted for the words "village-officers" by the Repealing and Amending (Rates and Cesses' Act, 1907 (4 of 1907).*

**30. Restriction on attachment or assignment of remuneration of kanungos, <sup>1</sup>[\* \* \* \*] and village-officers:** -(1) The emoluments of a Kanungo, <sup>1</sup>[\* \* \* \*], or village-officers shall not be liable to attachment in execution of a decree or order of any Civil or Revenue Court.

(2) An assignment of or charge on, or an agreement to assign or charge, any such emoluments shall be void unless it is authorized by rules made by the Financial Commissioner in this behalf.

## CHAPTER IV RECORDS

### RECORDS-OF-RIGHTS AND ANNUAL RECORDS.

**31. Record-of-rights and documents included therein:** - (1) Save as otherwise provided by this Chapter, there shall be record-of-rights for each estate.

(2) The record-of-rights for an estate shall include the following documents, namely: -

(a) statements showing, so far as may be practicable: -

(i) the persons who are land-owners, tenants or assignees of land-revenue in the estate or who are entitled to receive any of the rents, profits or produce of the estate or to occupy land therein;

(ii) the nature and extent of the interests of those persons, and the conditions and liabilities attaching thereto;

(iii) the rent, land-revenue, rates, cesses or other payments due from and to each of those persons and to the Government;

<sup>1</sup>The words “Zaildar, inamdar” omitted by Punjab Act 27 of 1964, section 4.

(b) a statement of customs respecting rights and liabilities in the estate;

(c) a map of the estate; and

(d) such other documents as the Financial Commissioner may, with the previous sanction of the <sup>1</sup>[State Government] prescribe.

**32. Making of special revision of record-of-rights:** - (1) when it appears to the <sup>2</sup> [Commissioner] that a record-of-right for an estate does not exist, or that the existing record-of-rights for an estate requires special revision, the <sup>2</sup>[Commissioner] may by notification direct that a record-of-rights be made or that the record-of-rights be specially revised as the case may be.

(2) The notification may direct that record-of-rights shall be made or specially revised for all or any estates in any local area.

(3) A record-of-rights made or specially revised for an estate under this section shall be deemed to be the record-of-rights for the estate, but shall not affect any presumption in favour of the <sup>3</sup>[Government] which has already arisen from any previous record-of-rights.

**33. Annual record:** - (1) The Collector shall cause to be prepared by the patwari of each estate yearly, or at such other intervals as the Financial Commissioner may prescribe, an edition of the record-of-rights amended in accordance with the provisions of this Chapter.

(2) This edition of the record-of-rights shall be called the annual record for the estate, and shall comprise the statements mentioned in sub-section (2), clause (a), of section 31 and such other documents, if any, as the Financial Commissioner may, with the previous sanction of the <sup>1</sup> [State Government] prescribe.

(3) For the purposes of the preparation of the annual record, the Collector shall cause to be kept up by the patwari of each estate a register of mutations and such other registers as the Financial Commissioner May Prescribe.

<sup>1</sup> Substituted by Government of India (Adaptation of Laws) Order, 1937, and Adaptation of Laws Order, 1950.

<sup>2</sup> Substituted by Punjab Act 45 of 1953, for “State Government”, the words “State Government” had been substituted by Adaptation of Laws Order, 1950, for Provincial Government” which had been substituted for “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> Substituted for the word “Crown” by the Adaptation of Laws Order, 1950.



### **Procedure for making records**

**34. Making of that part of the annual record which relates to land-owners, assignee of revenue and occupancy tenants:** -(1) Any person acquiring, by inheritance, purchase, mortgage, or otherwise, any right in an estate as a land-owner, assignee of land-revenue or tenant having a right of occupancy, shall report his acquisition of the right to the patwari of the estate.

(2) If the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the patwari.

(3) The patwari shall enter in his register of mutations every report made to him under sub-section (1) or sub-section (2), and shall also make an entry therein respecting the acquisition of any such right as aforesaid which he has reason to believe to have taken place, and of which a report should have been made to him under one or other of those sub-sections and has not been so made.

(4) A Revenue-officer shall from time to time inquire into the correctness of all entries in the register of mutations and into all such acquisitions as aforesaid coming to his knowledge of which, under the foregoing sub-sections, report should have been made to the patwari and entry made in that register and shall in each case make such order as he thinks fit with respect to the entry in the annual record of the right acquired.

<sup>1</sup> *Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.*

(5) Such an entry shall be made by the insertion in that record of description of the right acquired and by the omission from that record of any entry in any record previously prepared which by reason of the acquisition has ceased to be correct.

**35. Making of that part of the annual record which relates to other persons:** - The acquisition of any interest in land other than a right referred to in sub-section (1) of the last foregoing section shall: -

(a) if it is undisputed, be recorded by the patwari in such manner as the Financial Commissioner may by rule in this behalf prescribe; and

(b) if it is disputed, be entered by the patwari in the register of mutations and dealt with in the manner prescribed in sub-sections (4) and (5) of the last foregoing section.

**36. Determination of disputes:** -(1) If during the making, revision or preparation of any record or in the course of any inquiry under this Chapter a dispute arises as to any matter of which an entry is to be made in a record or in a register of mutations, a Revenue-officer may, of his own motion, or on the application of any party interested but subject to the provisions of the next following section, and after such inquiry as he thinks fit, determine the entry to be made as to that matter.

(2) If any such dispute the Revenue-officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates, he shall ascertain by summary inquiry who is the person best entitled to the property, and shall by order direct that person be put in possession thereof, and that an entry in accordance with that order be made in the record or register.

(3) A direction of a Revenue-officer under sub-section (2) shall be subject to any decree or order which may be subsequently passed by any Court of competent jurisdiction.

**37. Restrictions on variations of entries in records:** - Entries in record-of-rights or in annual records, except entries made in annual records by Patwaris under clause (a) of section 35 with respect to undisputed acquisitions of interest referred to in that section, shall not be varied in subsequent records otherwise than by--

- (a) making entries in accordance with facts proved or admitted to have occurred;
- (b) making such entries as are agreed to by all the parties interested therein or are supported by a decree or order binding on those parties;
- (c) making new maps where it is necessary to make them.

**38 Mutation fees:** - (1) <sup>1</sup>[State Government] may fix a scale of <sup>2</sup>fees for all or any classes of entries in any record or register under this Chapter and for copies of any such entries.

(2) A fee in respect of any entry shall be payable by the person in whose favour the entry is made.

**39. Penalty for neglect to report acquisition of any right referred to in section:** - Any person neglecting to make the report required by section 34 within three months from the date of his acquisition of a right referred to in that section shall be liable, at the discretion of the

Collector, to a fine not exceeding five times the amount of the fee which would have been payable according to the scale fixed under the last foregoing section if the acquisition of the right had been reported immediately after its accrual.

<sup>1</sup> Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.

<sup>2</sup> For notification fixing a scale of fees under this sub-section see Punjab Government Gazette, 1962, Revenue Department Notification No. 28-RII-61/871, dated 30<sup>th</sup> January, 1961, as amended by Punjab Government notification No. 6098-R(II)-61/9665, dated the 18<sup>th</sup> December, 1961.

**40. Obligation to publish information necessary for the preparation of records:** -Any person whose rights, interests or liabilities are required to be entered in any record under this Chapter shall be bound to furnish, on the requisition of any Revenue-officer or village-officer engaged in compiling the record, all information necessary for the correct compilation thereof.

**Rights of the <sup>1</sup>[Government] and presumptions with respect thereto and to other matters**

**41. Right of the Government in mines and minerals:** - All mines of metal and coal, and all earth-oil and gold washing shall be deemed to be the property of the <sup>2</sup>[<sup>1</sup>[Government]] for the purposes of the <sup>3</sup>[State]] and the <sup>4</sup>[State] Government shall have all powers necessary for the proper enjoyment of <sup>5</sup>[the Government's right thereto.].

**42 Presumption as to ownership of forests, quarries and waste lands:** -(1) when in any record-of-rights completed before the eighteenth day of November, 1871, it is not expressly provided that any forest, quarry, unclaimed, unoccupied, deserted or waste-land, spontaneous produce or other accessory interest in land belongs to the [Government].

(2) when in any record-of-rights completed after the date it is not expressly provided that any forest or quarry or any such land or interest belongs to the <sup>1</sup>[Government], it shall be presumed to belong to the landowners.

(3) The presumption created by sub-section (1) may be rebutted by showing--

(a) from the records or report made by the assessing officer at the time of assessment; or

(b) if the record or report, is silent, then from a comparison between the assessment of villages in which there existed, and the assessment of villages of similar character in which there did not exist, any forest or quarry, or any such land or interest, that the forest, quarry, land or

interest was taken into account in the assessment of the land-revenue.

(4) Until the presumption is so rebutted, the forest, quarry, land or interest shall be held to belong to the <sup>1</sup>[Government.].

<sup>1</sup> Substituted for the word "Crown" by Adaptation of Laws Order, 1950.

<sup>2</sup> Substituted by Government of India (Adaptation of Indian Laws) Order, 1937, for "Government".

<sup>3</sup> Substituted by Adaptation of Laws Order, 1950, for "Province".

<sup>4</sup> Substituted by Adaptation of Laws Order, 1950, for "Provincial".

<sup>5</sup> Substituted for the words "its rights thereto" by the Government of India (Adaptation of Indian Laws) Order, 1937.

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**43. Compensation for infringement of rights of third parties in exercise of a right of the Government:** - (1) Whenever, in the exercise of any right of the <sup>1</sup>[Government] referred to in either of the two last foregoing sections, the rights of any person are infringed by the occupation or disturbance of the surface of any land the <sup>2</sup>[State Government] shall pay, or cause to be paid to that person compensation for the infringement.

**X of 1870:** -

(2) The compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870<sup>3</sup>.

**44. Presumption in favour of entries in Records-of-rights and annual records:** - An entry made in a record-of-rights in accordance with the law for the time being in force, or in an annual record in accordance with the provisions of this Chapter and the rules there under, shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

**45. Suit for declaratory decree by persons, aggrieved by an entry in a record:** - If any person considers himself aggrieved as to any right of which he is in the possession by an entry in a record-of-rights or in an annual record, he may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1877.

<sup>1</sup> Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

<sup>2</sup> Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.

<sup>3</sup> See now the land Acquisition Act, 1894 (I of 1894).

### **Supplemental Provisions.**

**46. Power to make rules respecting records and other matters connected there with:** -

The Financial Commissioner may make rules--

- (a) prescribing the language in which records and registers under this Chapter are to be made;
- (b) prescribing the form of those records and registers, and the manner in which they are to be prepared, signed and attested;

(c) for the survey of land so far as may be necessary for the preparation and correction of those records and registers;

(d) for the conduct of inquiries by Revenue-officers under this Chapter; and

(e) generally for the guidance of Revenue-officers and village-officers in matters pertaining to the records and registers mentioned or referred to in this Chapter.

**47. Records-of-rights and annual records for groups of estates:** -(1) The <sup>2</sup>[Commissioner] may direct that a record-of-rights be made for any group of neighbouring estates instead of separately for each of the estates.

(2) The provisions of this Chapter with respect to a record-of-rights and annual record for an estate shall then, so far as they can be made applicable, apply to a record-of-rights and annual record for a group of estates.

## CHAPTER V ASSESSMENT

**48. Assessment of land revenue:** -(1) All land, to whatever purpose applied and where ever suitable, is liable to the payment of land-revenue to the Government, except such land as has been wholly exempted from that liability by special contract with the Government or by the provisions of any law for the time being in force <sup>1</sup>[and such land as is included in the village site].

<sup>2</sup>[*Explanation*—For the purposes of this sub-section the expression ‘village site’ shall have the same meaning as is assigned to the expression ‘site of a village’ in section 4].

<sup>1</sup>For rules under sections 46 and 106, see Notification Nos. 74, 76 and 78, Punjab Gazette, Extraordinary, 1<sup>st</sup> March, 1888, pp.3, 53 and 61 for amendment of these rules, see Punjab Gazette, 1901, Pt. III, p.1030, *ibid*, 1903, Part III, page 1218.

<sup>2</sup>Substituted by Punjab Act 45 of 1953, for “Financial Commissioner”.

<sup>3</sup>[(1-A) Not with standing anything in sub-section (1), land held by any person weather as a sole land-owner or as a co-landowner in one or more holdings, or as a sole landowner and as a co-landowner in one or more holdings in any estate shall be exempted from the liability to the payment of land revenue, if--

- (i) the area of such land together with the area of land, if any, held by such person whether as a sole landowner or as a co-landowner in one or more holdings, or as a sole landowner and as a co-landowner in one or more holdings, in any other estate in the State of Punjab <sup>4</sup>[\* \* \*], does not exceed five standard acres; and
- (ii) such person furnishes such particulars of all the land held by him in the State of Punjab <sup>4</sup>[\* \* \*], in such form and manner and at such time and to such authority (here in after in this section referred to as the ‘prescribed authority’) as may be prescribed by rules made under section 64.

<sup>1</sup> Inserted by Punjab Act 3 of 1928, section 3(i).

<sup>2</sup> "Explanation" added by Punjab Act 9 of 1958, section 4.

<sup>3</sup> Sub-sections (I-A) and I-B) added by Punjab Act No. 1 of 1968, section 2 and shall be deemed to have been added with effect from Rabi of Agricultural year 1966-67.

<sup>4</sup> The words "or outside it" omitted by Punjab Act 10 of 1969, section 2 and shall always be deemed to have been omitted.

<sup>1</sup>Explanation 1.—In the case of a Hindu undivided family, the land owned by such family shall, for the purposes of sub-section (I-A), be deemed to be the land of the landowner in whose name it is entered in the record of rights.

<sup>2</sup>[Explanation 2.—The expression, ‘standard acre’ in respect of the holding in such territories of the erstwhile State of Patiala and East Punjab States Union as now form part of the State of Punjab, shall have the meaning assigned to it in the Pepsu Tenancy and Agricultural Lands Act, 1955, and in respect of the holdings other than those referred to above, the said expression shall have the meaning assigned to it in the Punjab Security of Land Tenures Act, 1953.

(1-B) In the event of a person furnishing to the prescribed authority such particulars under clause (ii) of sub-section (1-A) as are not found to be correct, the prescribed authority, may after giving such reasonable opportunity of being heard direct him to pay by way of penalty in addition to the land revenue to which he is liable an amount not exceeding twenty times the amount of land revenue payable.]

<sup>3</sup>[(2) Land –revenue shall be assessed in cash.]

(3) Land may be assessed to land-revenue notwithstanding that that revenue, by reason of

its having been <sup>4</sup>[ exempted by virtue of the provisions of sub-section (1-A)], assigned , released , compounded for or redeemed is not payable to the Government.

<sup>1</sup>*Explanation to sub-section (1-A) renumbered as Explanation 1 by Punjab Act No. 10 of 1969, section 2.*

<sup>2</sup>*Explanation 2 added by Punjab Act 10 of 1969, section 2 and shall always be deemed to have been added.*

<sup>3</sup>*Substituted for the words “may be assessed in cash or in kind, or partly in cash and partly in kind, as the local Government may direct” by Punjab Act 3 of 1928.*

<sup>4</sup>*The words “exempted by virtue of the provisions of sub-section (1-A)” inserted by Punjab Act No. 1 of 1963, section 2 and shall be deemed to have been inserted with effect from Rabi of Agricultural year 1966-67.*

<sup>1</sup>[(4) Land-revenue may be assessed --

(a) as a fixed annual charge payable in lump sum or by installments ;

(b) in the form of prescribed rates per acre or other unit of area applicable to the area recorded as sown, matured or cultivated during any harvest or during any year.]

<sup>2</sup>**[48-A.] Basis of assessment: -** <sup>3</sup>[ The assessment of land-revenue shall be based on an estimate of --

(a) the average money value of the net assets of the estate or group of estates in which the land concerned is situated ; or

(b) in the case of special assessment of land put to non-agricultural use in an assessment circle or part thereof,--

(i) on the average net letting value of category and class of sites ;or

(ii) where for any reason it is not possible to ascertain the net letting value, on the average market value of sites as determined in the manner prescribed : ]

<sup>4</sup>[Provided that when a special assessment is made under section 59, notwithstanding the period fixed for the continuance of an assessment or the limit provided in section 48-B or the area having been declared to be an urban assessment circle, the land revenue may be assessed as fixed annual charge payable in lump sum or by installments in accordance with <sup>5</sup>[the rules made under this Act ].

<sup>1</sup>*Added by Punjab Act 3 of 1928.*

<sup>2</sup>*Inserted by Punjab Act 3 of 1928.*



<sup>3</sup> *Substituted by Punjab Act 9 of 1958, section 5.*

<sup>4</sup> *Inserted by Punjab Act 13 of 1952.*

<sup>5</sup> *Substituted for the words “with the executive instructions issued under the provisions of section 60-C’ by Punjab Act 9 of 1958, section 5.*

**1[48-B. Limit of assessment:** - If the land-revenue is assessed as fixed annual charge the amount thereof, and, if it is assessed in the form of prescribed rate, the average amount which according to an estimate in writing approved by the <sup>2</sup>[State Government] will be leviable annually, shall not, in the case of any assessment circle, exceed one-fourth of the estimated money value of the net assets of such assessment circle <sup>3</sup>[or in the case of special assessment on a category and class of sites of land put to non-agricultural use in an assessment circle or part thereof—

(a) exceed one-fourth of the estimated average not letting value; or

(b) exceed two to four per cent of the average market value; or

(c) in the case of sites lying vacant and out of use, exceed one per cent of the average market value];

Provided that nothing contained in this section shall affect any assessment in force at the time of the commencement of the Punjab Land Revenue (Amendment) Act, 1928].

### General Assessment

#### 49. Notification of intended re-assessment and instructions as to principles of assessment:

- <sup>4</sup>(1) Assessment of land-revenue may be general or special.]

(2) A general re-assessment of the land-revenue of <sup>5</sup>[any area] shall not be under taken without the previous sanction of the <sup>6</sup>[State Government] and <sup>7</sup>[notification] of that sanction.

<sup>1</sup> *Inserted by Punjab Act 3 of 1928.*

<sup>2</sup> *Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, and Adaptation of Laws Order, 1950.*

<sup>3</sup> *Inserted by Punjab Act 9 of 1958, section 6.*

<sup>4</sup> *Sub-section (1) added and existing sub-sections (1) and (2) renumbered (2) and (3), respectively, by Punjab Act 3 of 1928.*

<sup>5</sup> *Substituted for the words “a District or Tehsil” by Punjab Act 3 of 1928.*

<sup>6</sup> *Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937, and Adaptation of Laws Order, 1950.*

<sup>7</sup> *For instances of such notification see Punjab Gazette, 1881, Part I, pages 703 and 820d and ibid, 1901, Part I, page 856.*

<sup>1</sup>[(3) In granting such sanction the <sup>2</sup>[State Government] may give such instructions consistent with the provisions of this Act and the rules made there under as it may deem fit.]

**50. Mode of determining assessment:** -(1) <sup>3</sup>[A general] assessment shall be made by a Revenue-officer.

<sup>4</sup>[(2) Before making such assessment the Revenue-officer shall report through the Financial Commissioner for the sanction of the <sup>2</sup>[State Government] his <sup>5</sup>[proposal] with regard thereto.]

**51. Announcement of assessment:** - <sup>6</sup>[(1) After consideration of the proposals submitted by the Revenue-officer under the provisions of section 50, the <sup>2</sup>[State Government] shall pass such orders as it may deem fit, subject to the provisions of sub-section (3) and (4), and on the receipt of such orders the Revenue-officer shall make an order determining the assessment proper for each estate concerned and shall announce it in such manner as the <sup>2</sup>[State Government] may by rule prescribe.]

(2) At the time of announcing the assessment <sup>7</sup>[the Revenue-officer] shall also declare the date from which it is to take effect, and, subject to the other provisions of this Act, it shall take effect accordingly.

<sup>8</sup>[(3) Subject to the provisions of sub-section (4) the average rate of incident on the cultivated area of the land-revenue imposed under the provisions of sub-section (1) on any assessment circle forming part of any area in respect of which a notification has been issued under sub-section <sup>1</sup>[(2)] of section 49 shall not exceed the rate of incidence of the land-revenue imposed at the last previous assessment by more than one-fourth provided that the rate of incidence of the assessment imposed on any estate shall not exceed the rate of incidence of the last previous assessment on that estate by more than two-thirds.

<sup>1</sup> Substituted by Punjab Act 3 of 1928, section 5(3).

<sup>2</sup> Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and Adaptation of Laws Order, 1950.

<sup>3</sup> Substituted for the word "the" by Punjab Act 3 of 1928, S. 6.

<sup>4</sup> Substituted for the old sub-section of Punjab Act 3 of 1928, s. 6.

<sup>5</sup> Substituted for Punjab Act 6 of 1954, for "Proposal".

<sup>6</sup> *Substituted by Punjab Act 3 of 1928.*

<sup>7</sup> *Substituted by ibid, for the word "he".*

<sup>8</sup> *Sub-section (3) and (4) were added by Punjab Act 3 of 1928, s. 7.*

(4) The provisions of sub-section (3) shall not be applicable in the case of the land which has not previously been assessed to land-revenue <sup>2</sup>[or in which canal irrigation has been introduced after the date of the orders passed under the provisions of sub-section (1) at the last previous assessment, or in the case of the land of which the last previous assessment was made under the provisions of clause (b) of sub-section (1) of section 59] or in the case of an area which has been declared by notification to be an urban assessment circle and for the purpose of calculating the increase in the incidence of the land-revenue for the purpose of sub-section (3), all such land shall be excluded from calculation :

<sup>2</sup>[Provided that no area shall be declared to be an urban assessment circle unless within the limits of a municipality or of an area in respect of which a notification has been issued under section 241 of the Punjab Municipal Act, 1911, or of an area declared to be a small town under the provisions of the Punjab Small Towns Act, 1921].

**52. Application for reconsideration of assessment:** -(1) The land-owner may, within thirty days from the date of the announcement of the assessment, present a petition to the Revenue-officer for a reconsideration of the amount, form or conditions of the assessment.

<sup>1</sup> *Substituted for the brackets and figures "(1)" by Punjab Act 6 of 1934.*

<sup>2</sup> *Substituted for the words "or of which the last previous assessment was made under the provisions of clause (b) of sub-section (1) of section 59 or in the case of land in which canal irrigation has been introduced after the date of the orders passed under the provisions of sub-section (1) of section 51 at the last previous assessment" by Punjab Act 6 of 1934, s. 4.*

(2) Where the land-revenue is assigned, the assignee thereof may within thirty days from that date, present a like petition to the Revenue-officer.

(3) The order passed by the Revenue-officer on the petition shall set forth his reasons for granting or refusing it.

**53. Confirmation and duration of assessment:** - (1) <sup>1</sup>[An assessment, the under taking of

which has been sanctioned under the provisions of section 49] shall not be considered final until it has been confirmed by the <sup>2</sup>[State Government].

(2) At any time before an assessment is so confirmed the Commissioner or Financial Commissioner may <sup>3</sup>[subject to the provisions of sub-section (3)] modify the assessment of any estate. \* \* 4 \* \* .

<sup>5</sup>[(3) Before an enhancement is ordered under the provisions of sub-section (2) the Commissioner or Financial Commissioner, as the case may be, shall be cause reasonable notice to be given to the land-owner by proclamation published in the manner described in section 22, to show cause in a petition addressed to the Revenue-officer why the proposed enhancement should not be ordered, and the Revenue-officer shall enquire into any objections raised by any land-owner and submit such petition received with his report thereon to the Commissioner or the Financial Commissioner, who shall consider the petition and the report and shall also hear the petitioner if he so desires.].

**<sup>6</sup>[53-A. Duration of assessment: -** (1) The <sup>2</sup>[State Government] shall, when confirming an assessment under sub-section (1) of section 53, fix a period of time for which the assessment shall remain in force.

<sup>1</sup> *Substituted for the words "An assessment of the land revenue of a district or tahsil" by Punjab Act 3 of 1928.*

<sup>2</sup> *Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and Adaptation of Laws Order, 1950.*

<sup>3</sup> *Inserted by Punjab Act 3 of 1928, s. 8.*

<sup>4</sup> *The words "in the district or tahsil" were omitted by Punjab Act 3 of 1928.*

<sup>5</sup> *Substituted for the ild-sub-section (3) by Punjab Act 3 of 1928.*

<sup>6</sup> *Added by Punjab Act 3 of 1928, s. 9.*

(2) The period fixed under sub-section (1) shall be forty years :

Provided that--

(i) a period not exceeding forty years and not shorter than ten years may be fixed for any area, specified by the <sup>1</sup>[State] Government, in which canal irrigation has been introduced after the date of the orders passed under the provisions of sub-section (1) of section 51 at the last previous assessment or which it has been proposed to introduce such irrigation during the period fixed;

(ii) a period not exceeding forty years and not shorter than twenty years may be fixed on the expiry of a period fixed under the provisions of clause (i) of this proviso.]

(iii) nothing in this sub-section shall affect any assessment in force at the time of the commencement of the Punjab Land Revenue (Amendment) Act, 1928, or apply to an area which has been declared to be an urban assessment circle under the provisions of sub-section (4) of section 51.]

**54. Assessment to remain in force till new assessment takes effect:** -Not with standing the expiration of the period for the continuance of an assessment under <sup>2</sup>[\* \* \* \*] the last foregoing section, the assessment shall remain in force till a new assessment takes effect.

**55. Refusal to be liable for assessment and consequences thereof:** - (1) At any time within ninety days from the date of the announcement of an assessment the land-owner, or where there are more land-owners than one, any of them who would be individually or collectively liable for more than half the sum assessed, may give notice to the Revenue-officer of refusal to be liable for the assessment.

(2) When the Revenue-officer receives a notice under sub-section (1), the Collector may take possession of the estate and deal with it, as nearly as may be, as if the annulment of the assessment thereof had been ordered as a process for the recovery of an arrear of land-revenue due thereon.

(3) While the estate is in the possession of the Collector, the land-owner or land-owners shall be entitled to receive from the Government an allowance, to be fixed by the Financial Commissioner, which shall not be less than five or more than ten per cent of the net income realized by the Government from the estate.

<sup>1</sup> Substituted by Adaptation of Laws Order, 1950.

<sup>2</sup> The words brackets and figures "sub-section (35) of" were omitted by Punjab Act 3 of 1928, s. 10.

**56. Distribution of the assessment of an estate over the holdings comprised therein:** - (1) If the assessment announced under section 51 is in whole or in part a fixed assessment of an estate for a term of years, the Revenue-officer shall, before the date on which the first installment thereof becomes payable, make an order distributing it over the several holdings comprised in the

estate and make and publish a record of the distribution.

(2) The Collector may for sufficient reason make an order revising that record at any time while the assessment continues to be in force, and publish the record so revised.

(3) If the assessment announced under section 51 is in the form of rates chargeable according to the results of each year or harvest, a Revenue-officer shall from year to year or from harvest to harvest as the conditions of the assessment may require, make and publish, not later than one month before the first installment of the land-revenue falls due, a record of the amount payable in respect of each holding.

<sup>1</sup>(4) \* \* \* \*

**57. Application for amendment of the distribution of an assessment:** - (1) Any person affected by a record made under sub-section (1) or sub-section (3) of the last foregoing section, or by the revision of a record under sub-section (2) of that section, may, within thirty days from the date of the publication of the record, present a petition to the Revenue-officer for a reconsideration of the record so far as it affects him.

(2) The order passed by the Revenue-officer on the petition shall set forth reasons for granting or refusing it.

<sup>1</sup>*Sub-section (4) omitted by Punjab Act 3 of 1928, s. 11.*

**58. Appeals from orders under sections 52 and 57:** - An appeal from an order under the last foregoing section or section 52 shall lie to the Commissioner, and from the appellate order of the Commissioner to the Financial Commissioner.

### Special assessments

**59. Special assessments:** - (1) Special assessment may be made by Revenue-officers in the following cases, namely: --

<sup>1</sup>\* \* \* \*

(a) when land-revenue which has been released or assigned is resumed;

(b) when <sup>2</sup>[lands] are sold, leased or granted by the <sup>3</sup>[Government];

(c) when the assessment of any land has been annulled or the land-owner has refused to be liable therefor, and the term for which the land was to be managed by the Collector or his agent let in

farm has expired;

(d) when assessment of land-revenue require revision in consequence of the action of water or sand or of calamity of season or from any other cause; (e) when revenue due to the <sup>3</sup> [Government] on account of pasture or other natural products of land, or on account of mills, fisheries or natural products of water or on account of other rights described in section 41 or section 42, has not been included in an assessment made under the foregoing provisions of this Chapter;

<sup>4</sup>[(f) when assessment of land-revenue requires revision in consequence of the land being put to a use different from that for which an assessment is in force <sup>5</sup>[\* \* \* \* ]].

<sup>1</sup> Clause (a) was omitted by Punjab Act 3 of 1928 and all subsequent clauses relettered (a) to (e).

<sup>2</sup> Substituted by Punjab Act 3 of 1928, for the words "Waste lands".

<sup>3</sup> Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

<sup>4</sup> Added by Punjab Act 13 of 1952.

<sup>5</sup> The words "or when the land has been put to use for non-agricultural purposes; such as brick-kilns, factories, houses, landing grounds and similar purposes," and proviso thereto omitted by Punjab Act 9 of 1958, section 7.

<sup>1</sup>[(g) when the land has been put to use for non-agricultural purposes such as brick-kilns, factories, cinemas, shops, hotels, houses, landing grounds and other similar purposes, whether or not already assessed to land-revenue:

<sup>2</sup>[Provided that for purposes of clauses (f) and (g) any use of land--

- (i) for purposes of a garden, an orchard or for pasture; or
- (ii) for houses occupied by the owner for agricultural purposes or for purposes subservient to agriculture or for small-scale cottage industries; or
- (iii) for any public, charitable or religious purpose except where such land has been let for any such purpose;

shall not be considered as a use different from that for which an assessment is in force or for non-agricultural purposes.].

Provided further that in case of clauses (f) and (g) residential houses, in occupation of the owners, with an annual rental value not exceeding three hundred rupees shall not be liable to special assessment.].

<sup>3</sup>[(2) The Financial Commissioner may confirm any assessment made under this section.].

(3) The foregoing provisions of this Chapter with respect to general assessment shall,

subject to such modifications therefor as the Financial Commissioner may prescribe <sup>4</sup>[by] <sup>5</sup> [executive instructions issued under the provisions of section 60-C,] regulate the procedure of Revenue-officers making special assessments.

<sup>1</sup> *New clause (g) and provisos thereto added by Punjab Act 9 of 1958.*

<sup>2</sup> *First proviso substituted by Punjab Act 16 of 1963, section 2 and shall be deemed always to have been substituted.*

<sup>3</sup> *Substituted by Punjab Act 3 of 1928, section 12(3), for the old sub-clause (2).*

<sup>4</sup> *Inserted by Punjab Act 16 of 1934.*

<sup>5</sup> *Substituted for the words "by rule under the last foregoing sub-section" by Punjab Act 3 of 1928.*

<sup>1</sup>**[60. Power to make rules: -**The <sup>2</sup>[State Government] shall, subject to the provisions of section 60-A from time to time, make rules prescribing--

- (a) the method by which the estimate of the money value of the net assets of an estate or group of estates shall be made;
- (b) the method by which assessment to land-revenue shall be made;
- (c) the principles on which exemption from assessment shall be allowed for improvements.
- (d) the manner in which assessment shall be announced;
- (e) the manner in which the rate of incidence of the land-revenue is to be calculated for the purpose of sub-section (3) of section 51.]

<sup>3</sup>**[60-A. Procedure to be followed in making rules: -**Before making any rules under the provision of section 60 the <sup>2</sup>[State Government] shall, in addition to observing the procedure laid down in section 21 of the Punjab General Clauses Act, 1898, publish by notification a draft of the proposed rules for the information of persons likely to be affected thereby at least thirty days before a meeting of the Punjab Legislative <sup>4</sup>[Assembly]. The <sup>2</sup>[State Government] shall defer consideration of such rules until after the meeting of the Punjab Legislative <sup>4</sup>[Assembly] next following the publication of the draft in order to give any member of the <sup>4</sup>[Assembly] an opportunity to introduce a motion for discussing the draft].

<sup>1</sup> *Substituted for the old section by Punjab Act 3 of 1928. s. 13.*

<sup>2</sup> *Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and Adaptation of Laws Order, 1950.*

<sup>3</sup> *Section 60-A was inserted by Punjab Act 3 of 1928, and was substituted by Punjab act 7 of 1929, s. 2.*



<sup>4</sup> Substituted for the words "Council" by the Government of India (Adaptation of Indian Laws' Order, 1937.

**<sup>1</sup>[60-B. Rules and executive instructions issued before commencement of Punjab (Amendment) Act, 3 of 1928, to be followed for the purpose of assessment operations begun before issue of rules made under the provisions of section 60-A: -**Not with standing any thing contained in section 60-a, for the purpose of all assessment operations begun before the date of publication of rules made after the commencement of the Punjab Land Revenue (Amendment) Act, 1928, the rules and executive instructions relating to the matters mentioned in clauses (a), (b), (c) and (d) of section 60 which were in force before such publication shall remain in force.

**60-C Power is issue instructions: -** The <sup>2</sup>[State Government] of the Financial Commissioner with the approval of the <sup>2</sup>[State Government] may, for the guidance of Revenue-officers, from time to time, issue executive instructions relating to all matters to which the provisions of this chapter apply, provided that such instructions shall be consistent with the provisions of this Act and the rules made there under].

## CHAPTER VI COLLECTION OF LAND REVENUE

**61. Security for payment of land revenue: -** (1) In the case of every estate, the entire estate and the land-owner or, if there are more than one, the land-owners jointly or severally, shall be liable for the land-revenue for the time being assessed on the estate:

Provided that--

(a) the <sup>2</sup>[State Government], \* <sup>3</sup> \* may by notification declare that in any estate a holding or its owner shall not be liable for any part of the land-revenue for the time being assessed on the estate except that part which is payable in respect of the holding; and

<sup>1</sup> Inserted by Punjab Act 3 of 1928, s. 14.

<sup>2</sup> Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and Adaptation of Laws Order, 1950.

<sup>3</sup> The words "with the previous sanction of the Governor-General in Council" were omitted by the Devolution Act, 1920 (38 of

1930), s. 2.

<sup>1</sup>(b) where there superior and inferior land-owners in the same estate, the Financial Commissioner may by rule, or by special order in each case, determine whether the superior or inferior land-owners shall be liable for the land-revenue, or whether both shall be so liable and, if so, in what proportions.

(2) A notification under proviso (a) to sub-section (1) may have reference to any single estate or to any class of estate or estates generally in any local area.

**62. Further security for payment of land-revenue:** - (1) The land-revenue for the time being assessed on an estate or payable in respect of a holding shall be the first charge upon the rents, or produce thereof.

(2) Without the previous consent of the Collector, the rents, profits or produce of an estate or holding shall not be liable to be taken in execution of a decree or order of any Court until the land-revenue chargeable against the rents, profits or produce, and any arrear of land-revenue due in respect of the estate or holding, have been paid.

**63. Orders to regulate payment of land-revenue:** -(1) Not with standing anything in any record-of-rights, the Financial Commissioner may fix the number and amount of the installments, and the times, places and manner, by, at and in which land-revenue is to be paid.

(2) Until the Financial Commissioner otherwise directs land-revenue shall be payable by the installments, at the times and places and in the manner by at and in which it is payable at the commencement of this Act.

<sup>1</sup>For rules of Financial Commissioner under s. 61 see notification No. 76, Punjab Gazette, Extra ordinary, 1<sup>st</sup> March, 1888; page 53.

**64. Rules to regulate collection, remission and suspension of land-revenue:** - <sup>1</sup>[(1) The Financial Commissioner may make rules consistent with this Act--

(a) to regulate the collection, remission and suspension of land-revenue, and may by those rules determine the circumstances and terms in and on which assigned land revenue may be collected by the assignee;

(b) to prescribe the form and manner in which, the time at which and the authority to whom the particulars referred to in clause (ii) of sub-section (1-A) of section 48 shall be furnished.]

(2) Where land-revenue due to an assignee is collected by a Revenue-officer, there shall be deducted from the sum collected such a percentage on account of the cost of collection as the Financial commissioner may, by rule in this behalf prescribe.

(3) A suit for an arrear of assigned land-revenue shall not be entertained unless there is annexed to the plaint at the time of the presentation thereof a document under the hand of the Collector specially authorizing the institution of the suit.

**65. Costs recoverable as part of arrear:** - The costs of any process issued under this Chapter shall be recoverable as part of the arrear of land-revenue in respect of which the process was issued.

**66. Certified account to be evidence as to arrear:** - A statement of account certified by a Revenue-officer shall be conclusive proof of the existence of an arrear of land-revenue, of its amount and of the person who is the defaulter.

**67. Processes for recovery of arrears:** - Subject to the other provisions of this Act, an arrear of land-revenue may be recovered by any one or more of the following processes, namely: -

(a) by service of writ of demand on the defaulter;

<sup>1</sup> *Sub-section (1) substituted by Punjab Act 1 of 1968, section 3 and shall be deemed to have been substituted with effect from Rabi of the Agricultural year, 1966-67.*

(b) by arrest and detention of his person;

(c) by distress and sale of his movable property and uncut or ungathered crops;

(d) by transfer of the holding in respect of which the arrear is due;

(e) by attachment of the estate or holding in respect of which the arrear is due;

(f) by annulment of the assessment of that estate or holding;

(g) by sale of that estate or holding;

(h) by proceeding against other immovable property of the defaulter;

**68. Writ of demand:** - A writ of demand may be issued by a Revenue-officer on or after the day following that on which an arrear of land-revenue accrues.

**69. Arrest and detention of defaulter:** -(1) At any time after an arrear of land-revenue has accrued a Revenue-officer may issue a warrant directing an officer named therein to arrest the defaulter and bring him before the Revenue-officer.

(2) When the defaulter is brought before the Revenue-officer the Revenue-officer may cause him to be taken before the Collector, or may keep him under personal restraint for a period not exceeding ten days and then, if the arrear is still unpaid, cause him to be taken before the Collector.

(3) When the defaulter is brought before the Collector, the Collector may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Collector thinks fit.

(4) The process of arrest and detention shall not be executed against a defaulter who is a female, a minor, a lunatic or idiot.

**70. Distress and sale of movable property and crops:** -(1) At any time after an arrear of land-revenue has accrued, the movable property and uncut or ungathered crops of the defaulter may be dis-trained and sold by order of a Revenue-officer.

(2) The distress and sale shall be conducted, as nearly as may be, in accordance with the law for the time being in force for the attachment and sale of movable property under the decree of a Revenue Court constituted under the Punjab Tenancy Act, 1887:

Provided that, in addition to the particulars exempted by that law from liability to sale, so much of the produce of the land of the defaulter as the Collector thinks necessary for seed-grain and for the subsistence, until the harvest next following, of the defaulter and his family, and of any cattle exempted by that law, shall be exempted from sale under this section.

**71. Transfer of holding:** -(1) At the time after an arrear of land-revenue has accrued on a holding, the Collector may transfer the holding to any person being a land-owner of the estate in which this holding is situate and not being a defaulter in respect of his own holding, on condition of his paying the arrear before being put in possession of the holding, and on such further conditions as the Collector may deem fit to prescribe.

(2) The transfer may, as the collector thinks fit, be either till the end of the agricultural year in which the defaulter pays to the transferee the amount of the arrear which the transferee paid before being put in possession of the holding, or for a term not exceeding fifteen years from the commencement of the agricultural year next following the date of the transfer.

(3) The Collector shall report to the Financial Commissioner any transfer made by him under this section, and the Financial Commissioner may set aside the transfer or alter the conditions thereof, or pass such other order as he thinks fit.

(4) A transfer under this section shall not affect the joint and several liability of the land-owners of the estate in which it is enforced.

(5) In respect of all rights and liabilities arising under this Act, the person to whom the holding is transferred shall, subject to the conditions of the transfer, stand in the same position as that in which the defaulter would have stood if the holding had not been transferred.

(6) When the transfer was for a term the holding shall, on the expiration of the term, be restored by the Collector to the defaulter free of any claim on the part of the Government or the transferee for any arrear of land-revenue or rates and cesses due in respect thereof.

**72. Attachment of estate or holding:** - (1) At any time after an arrear of land revenue has accrued, the Collector may cause the estate or holding in respect of which the arrear is due to be attached and taken under his own management or that of an agent appointed by him for that purpose.

(2) The Collector or the agent shall be bound by all the engagements which existed between the defaulter and his tenants, if any, and shall be entitled to manage the land and to receive all rents and profits accruing there from to the exclusion of the defaulter until the arrear has been satisfied, or until the Collector restores the land to the defaulter.

(3) All surplus profits of the land attached beyond the cost of attachment and management and the amount necessary to meet the current demand for land-revenue and rates and cesses shall be applied in discharge of the arrear.

(4) Land shall not be attached for the same arrear for the longer term than five years from the commencement of the agricultural year next following the date of the attachment, but, if the arrear is sooner discharged, the land shall be released and the surplus receipts if any, made over to the land-owner.



**73. Annulment of assessment of estate of holding:** - (1) When an arrear of land-revenue has been due for a longer period than one month, and the foregoing processes are not deemed sufficient for the recovery thereof, the financial Commissioner may, in addition to or instead of all or any of those processes, order the existing assessment of the estate or holding in respect of which the arrear is due to be annulled.

(2) The provisions of this section shall not be put in force for the recovery of an arrear of land revenue which has accrued on land--

(a) while under attachment under the last foregoing section, or

(b) while under the charge of the Court of Wards.

(3) When the assessment of any land has been annulled, the Collector may, with the previous sanction of the Financial Commissioner, either manage the land himself or through an agent, or let it in farm to any person willing to accept the farm, for such term and on such conditions as may be sanctioned by the Financial Commissioner:

Provided that the term for which land may be so managed or farmed shall not be longer than fifteen years from the commencement of the agricultural year next following the date of the annulment.

(4) at some time before the expiration of that term the Collector shall determine the assessment to be paid in respect of the estate or holding for the remainder of the term of the current assessment of the district or tehsil, and, when that assessment has been sanctioned by the Financial Commissioner, shall announce it to the land-owner.

(5) The land-owner may give notice to the Collector of refusal to be liable for the assessment within thirty days from the date on which the assessment was announced to him.

(6) If notice is so given, the Collector may, with the previous sanction of the Financial Commissioner, take the estate or holding under direct management or farm it for the remainder of the term of the current assessment of the district or tehsil, or for any period within that term which the Financial Commissioner may fix.

(7) When the assessment of a holding is annulled, the joint responsibility of the other land-owners of the estate for the land-revenue of that holding becoming due after the annulment shall be in abeyance until the new assessment takes effect.

(8) The Financial Commissioner may direct that any contract made by the defaulter, or by any person through whom the defaulter claims, with respect to any land comprised in an estate or

holding of which the assessment has been annulled shall not be binding on the Collector or his agent or farmer during the period for which the estate or holding remains under the management of the Collector or his agent or is let in farm.

**74. Proclamation of attachment or annulment of assessment and consequence of the proclamation:** - (1) When any land is attached under section 72, or when the assessment of any land has been annulled under the last foregoing section, the Collector shall make proclamation thereof.

(2) No payment made by any person to the defaulter before the making of the proclamation on account of rent or any other asset in anticipation of the usual time for the payment shall, without the special sanction of the Collector, be credited to that person or relieve him from liability to make the payment to the Collector or his agent or farmer.

(3) No payment made after the making of the proclamation on account of rent or any other asset of the estate or holding to any person other than the Collector or his agent or farmer shall be credited to the person making the payment or relieve him from liability to make the payment to the Collector or his agent or farmer.

**75. Sale of estate or holdings IV of:** -When an arrear of land-revenue has accrued and the foregoing processes are not deemed sufficient for the recovery thereof, the Collector with the previous sanction of the <sup>1</sup>[ Commissioner ], may, in addition to, or instead of, all or any of those processes, and subject to the provisions hereinafter contained, sell the estate or holding in respect of which the arrear is due :

Provided that land shall not be sold for the recovery of --

**IV of 1872 :-**

- (a) any arrear which has accrued while the land was under the charge of the Court of Wards, or was so circumstanced that the Court of Wards might have exercised jurisdiction over it under the provisions of section 35 of the Punjab Laws Act, 1872, clause (a), (b), (c) or (d); or
- (b) any arrear which has accrued while the land was under attachment under section 72 of this Act; or
- (c) any arrear which has accrued while the land was held under direct management by the Collector or in farm by any other person under section 73, after either an annulment of assessment or a refusal to be liable therefor.



**76. Effect of sale on incumbrances: -** (1) Land sold under the last foregoing section shall be sold free of all incumbrances; and all grants and contracts previously made by any person other than purchaser in respect of the land shall become void as against the purchaser at the sale.

(2) Nothing in sub-section (1) shall affect: -

- (a) a tenant's right of occupancy, unless the right was created by the defaulter himself, or,
- (b) any lease at fair rent, temporary or perpetual, for the erection of a dwelling-house

<sup>1</sup> *Substituted by Punjab Act 45 of 1953 ; for the words " Financial Commissioner".*

or manufactory or for a mine, garden, tank, canal, place of worship, or burial ground , so long, as the land continues to be used for the purpose specified in the lease, or

(c) any incumbrance, grant, contract, or right of occupancy specially saved by order of the Financial Commissioner and proclaimed as hereinafter provided.

**77. Proceedings against other immovable property of defaulter : -** (1) If the arrear cannot be recovered by any of the processes hereinafter provided or if the <sup>1</sup>[ Commissioner ] considers the enforcement of any of those processes to be inexpedient, the Collector may, where the defaulter owns any other estate or holding, or any other immovable property, proceed, under the provisions of this Act against that property as if it were the land in respect of which the arrear is due :

Provided that no interest save those of the defaulter alone shall be so produced against, and no incumbrances created , grants made or contracts entered into by him in good faith shall be rendered invalid by reason only of his interests being proceeded against.

(2) When the Collector determines to proceed under this section against immovable property other than the land in respect of which the arrear is due , he shall issue a proclamation prohibiting the transfer or charging of the property.

(3) The Collector may at any time by order in writing withdraw the proclamation , and it shall be deemed to be withdrawn when either of the arrear has been paid or the interests of the defaulter in the property have been sold for the recovery of the arrear.

(4) Any private alienation of the property, or of any interest of the defaulter therein, whether by sale, gift, mortgage or otherwise, made after the issue of the proclamation and before the withdrawal thereof shall be void.

*Substituted by Punjab Act 14 of 1953 for the "Financial Commissioner".*

(5) In proceedings against property under this section the Collector shall follow, as nearly as the nature of the property will admit, the procedure prescribed for the enforcement of process against land on which an arrear of land-revenue is due.

**78. Remedies open to person denying his liability for an arrear :** - (1) Notwithstanding anything in section 66, when proceedings are taken under this Act for the recovery of an arrear, the person against whom the proceedings are taken may, if he denies his liability for the arrear or any part thereof and pays the same under protest made in writing at the time of payment and signed by him or his agent, institute a suit in a Civil Court for the recovery of the amount so paid.

(2) A suit under sub-section (1) must be instituted in a Court having jurisdiction in the place where the office of the Collector of the district in which the arrear or some part thereof accrued is situate.

### **Procedure in Sales**

**79. Proclamation of sales :** - (1) On the receipt of the sanction of the <sup>1</sup>[ Commissioner ] to the sale of any immovable property, the Collector shall issue a proclamation of the intended sale, specifying --

- (a) the date, time and place of the sale ;
- (b) the property to be sold, and, if it is an estate or holding, the land-revenue assessed thereon or payable in respect thereof ;
- (c) if the property is to be sold for the recovery of an arrear due in respect thereof, the incumbrances, grants, contracts, and rights of occupancy, if any, specially saved by order of the Financial Commissioner under section 76, sub-section (2), clause (c).
- (d) if the property is to be sold otherwise than for the recovery of an arrear due in respect thereof any incumbrance, grant or contract to which the property is known to be liable ; and

<sup>1</sup>Substituted for the words “Financial Commissioner” by Punjab Act 26 of 1958.

(e) the amount for the recovery of which the sale is ordered.

<sup>1</sup>(2) \* \* \* \* .

(3) The place of sale specified under clause (a) ; sub-section (1) must be either the office of the Collector or some place appointed by the Collector in this behalf and situate in or near the property to be sold.

**80. Indemnity to Revenue-officer with respect to contents of proclamation :** - A Revenue –officer shall not be answerable for any error, mis-statement or omission in any proclamation under the last foregoing section unless the same has been committed or made dishonestly.

**81. Publication of proclamation :** - (1) A copy of the proclamation shall be served on the defaulter and be posted in a conspicuous part of the office of the Tahsildar of the tahsil in which the property is to be sold is situate .

(2) After a copy of the proclamation has been served on the defaulter and posted in the office of the Tahsildar , a copy thereof shall be posted in the office of the Collector.

(3) The proclamation shall be further published in manner prescribed in section 22 and in such other manner as the Collector thinks expedient.

**82. Time and conduct of sale :** -(1) The sale shall not take place on a Sunday or other holiday, or till after the expiration of at least thirty days from the date on which the copy of the proclamation was posted in the office of the Collector.

(2) The sale shall be by public auction and shall be conducted either by the Collector in person or by a Revenue-officer specially appointed by him in this behalf.

<sup>1</sup>Sub-section (2) repealed by Punjab Act 2 of 1905.

**83. Power to postpone sale :** -The Collector may from time to time postpone the sale

**84. Stay of sale :** - If at any time before the bidding at the auction is completed the defaulter pays the arrears in respect of which the property has been proclaimed for sale, together with the

costs incurred for the recovery thereof, to the officer conducting the sale, or proves to the satisfaction of that officer that he has already paid the same either at the place and in the manner prescribed under section 63 or into the Government treasury, the sale shall be stayed.

**85. Payment of deposit by highest bidder :-** When the highest bid at the auction has been ascertained the person who made that bid shall, on the requisition of the officer conducting the sale, pay to that officer a deposit of twenty-five per centum on the amount of his bid, and shall, on payment thereof be declared to be the purchaser subject to the provisions of this Chapter with respect to the exercise of any right of pre-emption.

**86. Consequences of failure to pay deposit :-** If the person who made the highest bid fails to pay the deposit as required by the last foregoing section, the property shall forthwith be put up again and sold, and all expenses attending to the first sale, and the deficiency of the price, if any, which may happen on the resale, may be recovered from him by the Collector as if the same were an arrear of land-revenue.

**187. \* \* \***

**88. Time for payment in full :-** The full amount of the purchaser-money shall be paid by the purchaser before the close of the fifteenth day from that on which the purchaser was declared.

**89. Procedure in default of payment :-** In default of payment of the full amount of the purchase-money within the period mentioned in the last foregoing section, the deposit referred to in section 85 or section 87, as the case may be, shall, after defraying the expenses of the sale, be forfeited to the Government and may, if the Collector, with the previous sanction of the Commissioner, so directs, be applied in reduction in the arrear and the property shall be resold, and the defaulting purchaser shall have no claim to the property or to any part of the sum for which it may subsequently be sold.

<sup>1</sup> *Repealed by Punjab Act 2 of 1905, Schedule.*

**90. Report of sale to Commissioner :-** Every sale of immovable property under this Chapter

shall be reported by the Collector to the Commissioner.

**91. Application to set aside sale :** - (1) At any time within thirty days from the date of sale, application may be made to the Commissioner to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it.

(2) But a sale shall not be set aside on the ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of the irregularity or mistake.

**92. Order confirming or setting aside sale :** -(1) After the expiration of thirty days from the date of the sale, if such application as is mentioned in the last foregoing section has been made, or if such application has been made and rejected, the Commissioner shall make an order confirming the sale, and, if such application has been made and allowed, the Commissioner shall make an order setting aside the sale.

(2) An order made under this section shall be final.

**93. Refund of purchase money on setting aside of sale :** -Whenever the sale of any property is set aside, the purchaser shall be entitled to receive back his purchase money.

**94. Proclamation after postponement or on resale :** -A sale made after a postponement under section 83 and a resale consequent on a purchaser's default under section 89 or on the setting aside of a sale under section 92, shall be made after the issue of a fresh proclamation in the manner hereinafter prescribed for the sale.

**95. On confirmation of sale possession and certificate to be granted to purchaser :** -(1) After a sale has been confirmed in manner aforesaid the Collector shall put the person declared to be the purchaser into possession of the property sold, and shall grant him a certificate to the effect that he has purchased that property.

(2) The certificate shall state whether or not the property was sold for the recovery of an arrear due in respect thereof, and if it was so sold, shall set forth the incumbrances, grants, contracts and rights of occupancy, if any, specified in the proclamation of the sale as specially saved by order of the Financial Commissioner under section 76, sub-section (2), clause (c).

- (3) The certificate shall be deemed to be a valid transfer of the property but need not to be registered as a conveyance.
- (4) Any suit brought in any Court against the certified purchaser on the ground that the purchase was made on behalf of a person other than the certified purchaser shall be dismissed with costs.
- (5) The certified purchaser of any immovable property shall be entitled to all rents and profits falling due in respect of the property after the date of the confirmation of the sale and be liable for all installments of land-revenue and rates and cesses falling due in respect thereof after that date.

**96. Proceeds of sale :** - (1) When a sale of immovable property under this Chapter has been confirmed, the proceeds of the sale shall be applied in the first place to the payment of any arrears including costs incurred for the recovery thereof, due to the <sup>1</sup>[Government] from the defaulter at the date of the confirmation of the sale, whether the arrears are of land-revenue, or of sums recoverable as arrears of land-revenue, and the surplus, if any, shall be paid to the person whose property has been sold, or, if the property sold was owned by more than one person, then to the owners either collectively or according to the amount of their recorded interests, as the Collector thinks fit.

(2) The surplus shall not, except under an order of a Court, be paid to any creditor of a person whose property has been sold.

(3) If the proceeds of the sale fall short of such arrears as are referred to in sub-section (1), the balance remaining due from the defaulter may be recovered from him by further proceedings under this Chapter or by any other means authorized by law.

*<sup>1</sup>Substituted for the words "Crown" by the Adaptation of Laws Order, 1950.*

## CHAPTER VII

### Recovery of other Demands by Revenue-officers

**97. Recovery of certain arrears through Revenue officer instead of suit:** -When a village-officer required by rules under section 28 to collect any land-revenue or sum recoverable as an arrear of land-revenue satisfies Revenue-officer that the revenue or sums has fallen due and has not been paid to him, the Revenue-officer may, subject to any rules which the Financial

Commissioner may make in this behalf, recover it is if it were an arrear of land-revenue.

**98. Other sums recoverable as arrears of land revenue :** - In addition to any sums recoverable as arrears of land-revenue under this Act or any other enactment for the time being in force, the following sums may be so recovered, namely : --

- (a) fees, fines, costs and other charges, including the village-officers' cess payable under this Act,
- (b) revenue due to the Government on account of pasture or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of other rights described in section 41 or section 42 in cases in which the revenue so due has not been included in the assessment of an estate ;

<sup>1</sup>For rules under section 97, see notification No.76, "Punjab Gazette Extraordinary," 1<sup>st</sup> March, 1818, p. 57.

**XX of 1883 :** -

(c) fees payable to district boards or local boards under section 33 of the Punjab Districts Boards Act, 1883, for the use of or benefits derived from such works as are referred to in section 20, clauses (i) and (j) , of that Act;

(d) sums leviable by or under the authority of the Government as water-rates, or on account of the maintenance or management of canals, embankments or other irrigation works , not being sums recoverable as arrears of land-revenue under any enactment for the time being in force ; and

<sup>1</sup>[(dd) A loan advanced by the State Government towards the cost of a house or site under a Government sponsored Housing Scheme together with interest chargeable thereon and costs, if any, incurred in making or recovering the same.]

<sup>2</sup>[(ddd) a loan advanced by the State Government to an industrial worker under a Government sponsored scheme for providing relief to industrial workers temporarily thrown out of employment due to hostilities with Pakistan, together with interest, if any, chargeable thereon and costs incurred in making or recovering such loan ;]

<sup>3</sup>[(dddd) a loan advanced by the State Government under a Government sponsored scheme –

- (i) to give relief to persons who were uprooted from their homes, profession or trade as a result of the aggression committed by Pakistan in September, 1965; or

<sup>1</sup> *Inserted by Punjab Act 5 of 1956.*

<sup>2</sup> *Clause (ddd) inserted by Punjab Act 5 of 1966, section 2.*

<sup>3</sup> *Clause (dddd) inserted by Punjab Act 1 of 1968, section 4 and shall be deemed to have been inserted with effect from 3<sup>rd</sup> July, 1967.*

(ii) to persons carrying on any profession or trade, in any premises, where such premises or the goods stacked therein suffered any damage due to arson or any other unlawful act during the anti-Punjabi Suba agitation which took place in the month of March, 1966; or

(iii) to give relief to such class of persons who are uprooted after the commencement of the Punjab Land Revenue (Amendment) Act, 1967, from their homes, profession, or trade due to any war, aggression internal disturbance or natural calamity as the State Government may, in public interest, specify in this behalf. together with interest, if any, chargeable thereon and cost incurred in advancing or recovering such loan,]

(e) Sums payable to the Government by a person who is surety for the payment of any of the foregoing sums or of any other sum recoverable as an arrear of land-revenue.

**99. Application of Chapter VI to sums recoverable under this Chapter:-**(1) The provisions of Chapter VI shall, with respect to any sum mentioned or referred to in this Chapter, apply, so far as they can be made applicable as if the sum were an arrear of land-revenue and the person from whom, either as principal or as surety, it is due were a defaulter in respect of such an arrear.

(2) Unless any such sum is declared by an enactment for the time being in force to be recoverable as if it were an arrear of land-revenue due in respect of the land charged therewith, the provisions of section 77 shall apply under sub-section (1) to the recovery thereof.

## CHAPTER VIII SURVEYS AND BOUNDARIES

**100. Powers of Financial Commissioner to make rules for demarcation of boundaries and erection of survey-marks: -** (1) The Financial Commissioner may make rules as to the manner



in which the boundaries of all or any estates in any local area are to be demarcated and as to the survey-marks to be erected within those estates.

(2) Rules under this section may prescribe, among other matters, the forms of survey-marks and the material to be used in their construction.

**101 Power of Revenue-officers to define boundaries:** -(1) A Revenue-officer may, for the purpose of farming any record or making any assessment under this Act, or on the application of any person interested, define the limits of an estate, or of any holding, field or other portion of any estate, and may, for the purpose of indicating those limits, require survey-marks to be erected or repaired.

(2) In defining the limits of any land under sub-section (1) the revenue-officer may cause survey-marks to be erected on any boundary already determined by, or by order of, any Court, Revenue-officer or Forest Settlement-officer, or restore any survey-marks already set up by, or by order of any, Court or any such officer.

**2101-A. Power to fix boundary between riverain estates:-** (1) When any two or more estates are subject to river action and the limits of any such estate are by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course or action of such river, the <sup>3</sup>[State Government] may <sup>4</sup>\* \* \* order a permanent boundary line to be fixed between any such estates or such portion thereof as are liable to river action.

(2) Upon an order being made under sub-section (1) the Collector shall fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under section 100 and the provisions of section 101.

(3) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owing them or possessing rights therein, in such a manner as may be just and equitable in the circumstances of each case.

(4) No such boundary shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner.

*1For rules under section 100, see Notification No. 76, "Punjab Gazette Extraordinary", 1<sup>st</sup> March 1888, page 57.*

*2Section 101-A to 101-F were added by the Punjab Riverain Boundaries Act, 1899 (I of 1899), section 2.*

*3Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and Adaptation of Laws Order, 1950.*

*4The words "in its discretion" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.*

**101-B. (Effect of fixing a boundary between riverain estates: -** 1) Every boundary line fixed in accordance with the provisions of section 101-A shall, notwithstanding any law or custom, or any decree or order of any court of law, to the contrary, be fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights, in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest, in the land-owners of the estate which lies on the side of that boundary line on which such holding field or other portion of an estate is situate:

Provided that, if by the operation of this section the proprietary or any other rights in any land which at the time a boundary line is fixed is under cultivation, or reasonably fit for cultivation, or yields any produce of substantial value, would be transferred from the land-owners or the other right-holders of any one estate to the land-owners of any other estate, the Collector shall, by written order, direct that the rights in such land shall, subject to the provisions of section 101-C and section 101-D not be so transferred unless and until the land in respect of which any such order is made, ceases to be reasonably fit for cultivation, or to yield any produce of substantial value, and upon any such order being made, the transfer of the rights in such land shall be suspended accordingly.

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation or to yield any produce of substantial value, the order shall, when the Collector in writing so directs, cease to operate as that portion.

(2) The decision of the Collector as to whether for the purposes of the proviso to sub-section (1) of this section, any land is or is not reasonably fit for cultivation, or does or does not yield any produce of substantial value shall be final.

**101-C Application for immediate transfer of rights reserved under the proviso to sub-section (1) of section 101-B upon payment of compensation and procedure thereupon: -**

When any order has been made under the proviso to sub-section (1) of section 101-B, the land-owners (or any of them) in whom, but for such order, the rights in the land specified therein, would vest, may apply in writing, to the Collector to forth with transfer of rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

**Award of compensation and extinguishment of rights thereby: -**

(2) When an application under sub-section (1) is made, the Collector shall--

- (a) fix a day for the hearing of the application;
- (b) cause notice of the application, and of the day fixed for the hearing thereof to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of section 101-B, and all other persons interested or claiming to be interested therein;
- (c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights, found established therein, to the persons severally entitled thereto;
- (d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf:

Provided that, not with standing anything in the sub-section contained, it shall be lawful for the Collector, in his discretion and at any time before an award of compensation thereon has been made, to reject any application made under sub-section (1).

**Act I of 1894: -**

(3) In awarding compensation under sub-section (2), the Collector shall be guided by the provisions of section 23 and section 24 of the Land Acquisition Act, 1894; so far as the same may be applicable to the circumstances of the case.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, the order made under the proviso to sub-section (1) of section 101-B, shall cease to operate, and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of section 101-B, not with standing anything in the proviso thereof contained, and the Collector shall proceed to tender the compensation to the persons severally entitled to receive the same under this award. If any such person shall refuse to accept the sum of awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of section 101-B, shall, under the provisions of sub-section (4) of this section, cease to operate and determine, all rights reserved to any person by such order shall be extinguished.

**101-D Order under the proviso to sub-section (1) of section 101-B to cease to apply to rights voluntarily transferred to a land owner of the estate to which the land is transferred by fixing boundary:** - When any person processing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of section 101-B, voluntarily transfers such rights to any land-owner of the estate, in the land-owners of which, but for such order, such rights would vest under the operation of sub-section (1) of section 101-B, the rights so transferred shall forthwith cease to be subject to such order.

**101-E Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made:** - In every case in which, by the operation of section 101-B or section 101-C or section 101-D, proprietary or other rights in land are transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which, under any law or custom for the time being in force, apply to the rights of the land-owners of the estate to which such rights are so transferred.

**101-F Meaning of the expression “Collector” in section 101-A, 101-B and 101-C:** - For the purposes of section 101-A, 101-B and 101-C, respectively, the expression “Collector” shall be deemed to include any Revenue-officer appointed by the <sup>1</sup>[State Government] to perform all or any of the functions of a Collector under any of the provisions thereof.

**102. Cost of erection and repair of survey-marks:** -Subject to any rules which the Financial Commissioner may make in his behalf, survey-marks shall be erected and kept in repair by or at the cost of the persons interested in the land for the indication of the limits of which they are required:

Provided that the <sup>1</sup>[State Government] may in any case direct that the cost of erection shall be borne by the Government or be paid out of the proceeds of the village-officers cess.

**103. Recovery of cost incurred by the Government:** -(1) If the persons interested in the land fail to erect or repair a survey-mark within thirty days from the date of their being required by a Revenue-officer to do so, the revenue-officer may cause it to be erected or repaired.

(2) Where the Revenue-officer causes a survey-mark to be erected or repaired, he shall, subject to any rules or direction under the last foregoing section, apportion the cost amongst the

persons interested in the land in such manner as he deems just, and certify the same to the Collector.

(3) The Collector may recover the cost as if it were an arrear of land-revenue.

**104 Power of Revenue-officers to enter on land for purposes of survey and demarcation :-**

Any Revenue-officer, and any person acting under the orders of a Revenue-officer, may, in the discharge of any duty under this Act, enter upon and survey land and erect survey-marks thereon and demarcate the boundaries thereof, and do all other acts necessary for the proper performance of that duty.

<sup>1</sup> *Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.*

**105 Survey for purpose of preparation of records: -** (1) When any land is being surveyed in pursuance of rules under section 46, clause (c), any Revenue-officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to indicate, within a specified time, by temporary marks of a kind to be described in the notice or proclamation, the limits of those rights or interests.

(2) If a person to whom the notice or proclamation is addressed fails to comply with the requisition, he shall be liable at the discretion of the Revenue-officer to fine which may extend to ten rupees.

**106. Provision of flag holders and chairman for those surveys: -**(1) For the purposes of the survey of any land in pursuance of rules under section 46, clause (c), the land-owner shall be bound to provide fit persons to act as flag holders and chairman.

(2) If the land-owners fail to provide such persons or to provide them in sufficient number, such other persons as a Revenue-officer considers necessary may be employed and the cost of employing them recovered from the land-owners as if it were an arrear of land-revenue.

**107. Professional surveys: -**(1) If it is necessary to make a survey by other agency than that of Revenue-officers or village-officers, the <sup>1</sup>[State Government] may publish a notification stating--

- (a) the local area to be surveyed and the nature of the survey;
- (b) the names or official designation of the officers by whom the survey is to be

made; and

(c) the kind of survey-marks to be erected by those officers.

(2) From the date of the notification the officers specified therein, and the persons acting under their orders, shall have for the purposes of the survey the powers conferred on Revenue-officers by section 104.

<sup>1</sup> *Substituted for the words "Provincial Government" by the Adaptation of the Laws Order, 1950.*

**108. Penalty for destruction injury or removal of survey-marks:** -(1) If any person willfully destroys or injures or without lawful authority removes a survey-mark lawfully erected, he may be ordered by a Revenue-officer to pay such fine not exceeding fifty rupees for each mark so destroyed, injured or removed as may, in the opinion of the Revenue-officer, be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code.

**109. Report of destruction or removal or injury to survey-marks:** - Every village-officer of an estate shall be legally bound to furnish a Revenue-officer with information respecting the destruction or removal of, or any injury done to, any survey-mark lawfully erected in the estate.

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## CHAPTER IX

### PARTITION

#### **110. Effect of partitions of estates and tenancies on joint liability for revenue and rent: -**

(1) A partition of land either under this Chapter or otherwise, shall not, without the express consent of the Financial Commissioner, affect the joint liability of land or of the land-owners thereof for the revenue payable in respect of the land, or operate to create a new estate, and, if any conditions are attached to that consent, those conditions shall be binding on the parties to the partition.

(2) A partition of a tenancy shall not without the express consent of the landlord, affect the joint liability to the co-sharers therein for the payment of the rent thereof.

#### **111. Application for partition: -**Any joint owner of land, or any joint tenant of a tenancy in which a right of occupancy subsists, may apply to a Revenue-officer for partition of his share in the land or tenancy, as the case may be, if--

- (a) at the date of the application the share is recorded under Chapter IV as belonging to him; or
- (b) his right to the share has been established by a decree which is still subsisting at the date; or
- (c) a written acknowledgement of that right has been executed by all persons interested in the admission or denial thereof.

#### **112. Restriction and limitations on partition: -** Not with standing anything in the last foregoing section--

(1) places of worship and burial grounds held in common before partition shall continue to be so held after partition, unless the parties otherwise agree among themselves and record their agreement and file it with the Revenue-officer;

(2) partition of any of the following properties, namely:--

(a) any embankment, watercourse, well or tank, and any land on which the supply of water to any such work may depend;

(b) any grazing ground; and

(c) any land which is occupied as the site of a town or village and is assessed to land revenue; may be refused if, in the opinion of the revenue-officer, the partition of such property is likely to cause inconvenience to the co-shares, or other persons directly or indirectly interested therein, or to diminish the utility thereof to these persons;

(3) the fact that a partition on the application of a joint owner of land would render necessary the severance into two or more parts of the land comprised in the tenancy of a tenant having a right of occupancy may, unless the tenant assents to the severance, be a sufficient reason for the disallowance of the partition in so far as it would affect that tenancy; and

(4) the fact that the landlord objects to the partition of a tenancy may be sufficient reason for the absolute disallowance of the partition thereof.

**113. Notice of application for partition:-**The Revenue-officer, on receiving the application under section 111, shall, if it is in order and not open to objection on the face of it, fix a day for the hearing thereof; and--

(a) cause notice of the application and of the day so fixed to be served on such of the recorded co-shares as have not joined in the application, and, if the share of which partition is applied for is a share in a tenancy, on the landlord also; and

(b) if he thinks fit, cause the notice to be served on or proclaimed for the information of any other persons whom he may deem to be directly or indirectly interested in the application.

**114. Addition of parties to application: -** On the day fixed for hearing, or on any day to which the hearing may be adjourned, the Revenue-officer shall ascertain whether any of the co-sharers desire the partition of their share also, and, if any of them so desires, he shall add them as applicants for partition.

**115. Absolute disallowance of partition: -**After examining such of the co-shares and other persons as may be present on that day, the Revenue-officer may, if he is of opinion that there is good and sufficient cause why partition should be absolutely disallowed, refuse the application, recording the grounds of his refusal.



**116. Procedure for admission of application:** -If the Revenue-officer, does not refuse the application under the last foregoing section, he shall ascertain the question, if any, in dispute between any of the persons interested distinguishing between--

(a) question as to title in the property of which partition is sought; and

(b) questions as to the property to be divided, or the mode of making the partition.

**117. Disposal of questions as to title in property to be divided:** - (1) When there is a question as to title in any of the property of which partition is sought, the Revenue-officer may decline to grant the application of partition until the question has been determined by a competent Court, or he may himself proceed to determine the question as through he were such a Court.

(2) When the Revenue-officer himself proceeds to determine the question, the following rules shall apply, namely;--

**XVI of 1887: -**

(a) If the question is one over which a Revenue Court has jurisdiction, the Revenue-officer shall proceed as a Revenue Court under the provisions of the Punjab Tenancy Act, 1887.

(b) If the question is one over which a Civil Court has jurisdiction, the procedure of the Revenue-officer shall be that applicable to the trial of an original suit by a Civil Court and he shall record a judgment and decree containing the particulars required by the Code of Civil Procedure to be specified therein.

(c) An appeal shall lie from the decree of the Revenue-officer under clause (b) as though that decree were a decree of a <sup>1</sup>[Subordinate Judge] in an original suit.

(d) Upon such an appeal being made, he <sup>2</sup>[District Court], or <sup>2</sup>[High Court], as the case may be, may issue an injunction to the Revenue-officer requiring him to stay proceeding pending the disposal of the appeal.

(e) From the appellate decree of a <sup>2</sup>[District Court] upon such an appeal, a further appeal shall lie to the <sup>3</sup>[High Court] if such a further appeal is allowed by the law for the time being in force.

<sup>1</sup> Substituted for "District Judge" by the Punjab Courts Act, 1918 (6 of 1918) s. 49.

<sup>2</sup> Substituted for "Divisional Court" by *ibid.*

<sup>3</sup> *Substituted for the words "Chief Court" by Act 18 of 1919.*

**118. Disposal of other question:** -(1) When there is a question as to property to be divided, or the mode of making a partition, the Revenue-officer shall, after, such inquiry as he deems necessary, record an order stating his decision on the question and his reasons for the decision.

(2) An appeal may be preferred \* \* \*<sup>1</sup> from an order under sub-section (1) within fifteen days from the date thereof, and, when such an appeal is preferred and the institution thereof has been certified to the revenue-officer by the <sup>2</sup>[authority to whom the appeal has been preferred] the Revenue-officer shall stay proceeding pending the disposal of the appeal.

(3) If the applicant for partition is dissatisfied with the original or appellate order under this section, and applies for permission to withdraw from the proceeding in so far as they relate to the partition of his shares, he shall be permitted to withdraw there from on such terms as the Revenue-officer thinks fit.

(4) When an applicant withdraw under the last foregoing sub-section, the revenue-officer may, where the other applicants if any desire the continuance of the proceeding, continue them in so far they relate to the partition of the shares of those other applicants.

**119. Administration of property excluded from partition:** - When any such property as is referred to in section 112, clause (2), is excluded from partition, the Revenue-officer may determine the extent and manner to and in which the co-sharer and other persons interested therein may make use thereof, and the proportion in which the expenditure incurred thereon and profits derived there from, respectively, and to be borne by and divided among those persons or any of them.

**120. Distribution of revenue and rent after partition:** - (1) The amount of revenue to be paid in respect of each of the holdings into which land has been divided on a partition, and the amount of rent to be paid in respect of each of the portions into which a tenancy has been so divided, shall be determined by the Revenue-officer making the partition.

<sup>1</sup> *The words "to the Commissioner" were repealed by the Decentralization Act (4 of 1914).*

<sup>2</sup> *Substituted for the word "Commissioner" by the Decentralization Act (4 of 1914).*

(2) The determination of the Revenue-officer, as to the revenue to be paid in respect of

each holding, shall, where the estate in which the holding is situate in subject to a fixed assessment, be deemed to be an order under section 56, sub-section (1).

(3) Where new estates have been created at the partition and the land-revenue has been fraudulently or erroneously distributed among them, the <sup>1</sup>[State Government], may, within twelve years from the time of the discovery of the fraud or error, order a new distribution of the land-revenue among the several estates on a estimate of the assets of each estate at the time of the partition, to be made conformably to the best evidence and information procurable respecting the same.

**121. Instrument of partition:** - An owner or tenant to whom any land or portion of a tenancy, as the case may be, is allotted in proceedings for partition shall be entitled to possession thereof as against the other parties to the proceedings and their legal representatives, and a Revenue-officer shall, on application made to him for the purpose by any such owner or tenant at any time within three years from the recorded in the instrument of partition under the last foregoing section, give effect to that instrument so far as it concerns the applicant as if it were a decree for immovable property .

**122. \*\*\*\*\***

**123. Affirmation of partition privately affected:** - (1) In any case in which a partition has been made without the intervention of a Revenue-officer, and party thereto may apply to a Revenue-officer for an order affirming the partition.

<sup>1</sup> *Substituted for the words 'Local Government' by the Government of India (Adaptation of Indian Laws) Order, 1937, and the Adaptation of Laws Order, 1950.*

(2) On receiving the application, the Revenue-officer shall inquire into the case, and, if he finds that the partition has in fact been made, he may make an order affirming it and proceed under section 119, 120, 121 and 122, or any of those sections, as circumstances may require, in the same manner as if the partition had been made on an application to himself under this Chapter.

**124. Power to make rules as to costs of partitions:** - The Financial Commissioner may make rules for determining the costs of partitions under this Chapter and the mode in which such costs

are to be apportioned.

**125. Re-distribution of land according to custom:** - When by established custom any land in an estate is subject to periodical redistribution of a Revenue-officer may, on the application of any of the land-owners, enforce, the redistribution according to the custom, and for the purpose may exercise all or any of the powers of a Revenue-officer in proceeding for partition.

**126. Officers who may be empowered to act under this Chapter:** - The Revenue-officer by whom proceedings may be taken under this Chapter shall be a Revenue-officer of a class not below that of Assistant Collector of the first grade.

## **CHAPTER X ARBITRATION**

**127. Power to refer to arbitration:** - (1) Any Revenue-officer may, with the consent of the parties refer to arbitration any dispute arising before him in any matter under this Act.

(2) A Collector or any Assistant Collector of the first grade may, without the consent of the parties, refer to arbitration any dispute before him with respect to--

- (a) any matter of which an entry is to be made in any record or register under Chapter IV;
- (b) any matter relating to the distribution of an assessment under section 56;
- (c) the limits of any estate or of any holding, field or other portion of an estate; or
- (d) the property to be divided at the partition or the mode of making a partition.

**128. Order of reference and contents thereof:** - (1) In referring a dispute to arbitration a Revenue-officer shall make an order of reference, and specify therein the precise matter submitted to arbitration, the number of arbitrators which each party to the dispute is to nominate, the period within which arbitrators are to be nominated, and the period within which the award is to be delivered.

(2) The number of arbitrators which each party may nominate must be the same and must not exceed two.

(3) If from any cause arbitrators are not nominated, or an award is not delivered, within the period fixed therefor in the order of reference, the Revenue-officer may from time to time enlarge

that period, or may cancel the order of reference.

**129. Nomination of arbitrators :** - (1) When an order of reference has been made, the parties may each nominate the number of arbitrators specified in the order, and the Revenue-officer shall nominate one other arbitrator.

(2) The Revenue-officer may, for reasons to be recorded by him, make an order disallowing any nomination made by either party and requiring the party to make another nomination within a time to be specified in the order.

(3) An order under the last foregoing sub-section shall be final.

**130. Substitution of arbitrators by parties :** - If an arbitrator nominated by the party dies, desires to be discharged or refuses or becomes incapable to act, the party may nominate another person in his stead.

**131. Nomination and substitution of arbitrators by Revenue-officers :** - In any of the following cases, namely, --

- (a) if either of the parties fails to nominate an arbitrator under sub-section (1) of section 129 within the period fixed in the order of reference, or
- (b) if the nomination of an arbitrator has been disallowed under sub-section (2) of section 129, and another arbitrator is not nominated within the time specified in the order under that sub-section or, having been so nominated, his nomination is also disallowed, or
- (c) if a party entitled to nominate an arbitrator in the place of another arbitrator under section 130 fails to nominate him within one week from the date of the communication to him of a notice requiring him to make the nomination, or
- (d) if an arbitrator nominated by the Revenue-officer dies, desires to be discharged or refuses or becomes incapable to act, the Revenue-officer may nominate a person as arbitrator.

**132. Process for appearance before arbitrators:** - (1) The Revenue-officer shall, on the application of the arbitrators, issue the same processes to the parties and witnesses whom the arbitrators desire to examine as he may issue in any proceeding under this Act before

himself.

(2) Any such party or witness shall be bound to appear before the arbitrators in obedience to a process issued under sub-section (1) either in person or by agent, as the arbitrators may require.

(3) The person attending in obedience to the process shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as may be specified in the process.

**133. Award of arbitrators and presentation thereof :** - (1) The arbitrators shall make an award in writing under their hands concerning the matters referred to them for arbitration, and state therein their reasons therefor, and any arbitrator dissenting from the award made by a majority of the arbitrators shall state the grounds of his dissent.

(2) The arbitrators shall present the award to the Revenue-officer in person unless that officer permits them to present it by agent.

**134. Procedure or presentation of award :** - (1) When the award has been received, the Revenue-officer shall, if the parties are present, consider forthwith any objection which they may have to make thereto, and, if they are not present fix a date for the consideration thereof.

(2) Where a date has been fixed for the consideration of an award, the Revenue-officer shall on that date, or on any subsequent date to which an adjournment may be made, hear any objections which the parties may have to make to the award.

(3) The Revenue-officer may also, if he thinks fit, question the arbitrators as to the grounds of their award.

**135 Effect of award :** - (1) The Revenue-officer may accept, modify or reject the award, recording his reason for doing so in his decision, respecting the dispute which was referred to arbitration.

(2) An appeal shall lie from the decision as if arbitrators had not been appointed.

## CHAPTER XI

### SPECIAL JURISDICTION WITH RESPECT TO LAND

**136. Power to invest officers making records-of-rights or general re-assessments with powers of Civil Courts :** - (1) The <sup>1</sup>[ State Government ] may by order published in the official Gazette, invest any Revenue-officer making or specially revising records-of-rights in any local area in pursuance of a notification under section 32 or making re-assessment of land-revenue in any local area in pursuance of a notification under section 49 <sup>2</sup>[ or any Revenue-officer in a Colony ], or any Revenue-officer to whose control that officer is subject, with all or any of the powers of any Court constituted under the <sup>3</sup>Punjab Courts Act, 1884, for the purpose of trying all or any specified classes of suits or appeals relating to land arising in the local area.

<sup>1</sup> Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

<sup>2</sup> Inserted by the Colonization of Government Lands (Punjab) Act, 1912 (Punjab Act 5 of 1912), "S. 8".

<sup>3</sup> See now the Punjab Courts Act, 1918 (Punjab Act 6 of 1918).

(2) The <sup>1</sup>[State Government] may cancel an order under sub-section (1) wholly or in part.

(3) While an order or any part of an order under that sub-section continues in force, the powers conferred thereby shall be exercised by the officers invested therewith and not otherwise.

(4) Any cases pending before that officer under the order or a subsisting part of the order at the time of cancellation thereof may be disposed of by him as if the order or that part of it continued in force, unless the <sup>1</sup>[State Government] directs, as it is hereby empowered to do, that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the order had not been published.

**137. Control over such officers and appeals from and revision of their decrees and orders :** - (1) The <sup>1</sup>[State Government ] may by notification direct that the provisions of this Act with respect to the superintendence and control over Revenue-officers shall, subject to any modification of these provisions which the <sup>1</sup>[State Government ] thinks fit, apply to any Revenue-officer, except the Financial Commissioner, who has been invested with the powers of a Civil Court of any of the classes specified in clauses (a) , (b), (c) and (d) of section 17 of the <sup>2</sup>Punjab Courts Act, 1884, and that appeals shall lie from his decrees and orders to, and his decrees and orders be subject to revision by, a Revenue-officer invested under the last foregoing section with the powers of a Court which would be competent under the <sup>2</sup>Punjab Courts Act, 1884, to hear appeals from, or revise, such decree and orders if they had been made by a Court

with the powers of which the Revenue-officer who made them has been invested.

### **XVIII of 1884 : -**

(2) In the absence of any such notification, a Revenue-officer invested under the last foregoing section with the powers of any such Civil Court as aforesaid shall, with respect to the exercise of those powers, be deemed to be such a Civil Court for the purpose of the <sup>2</sup>Punjab Courts Act, 1884.

<sup>1</sup>Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

<sup>2</sup>See now the Punjab Courts Act, 1918 (Punjab Act 6 of 1918).

## **CHAPTER XII.**

### **SUPPLEMENTAL PROVISIONS**

#### *Revenue Deposits*

**138. Power to deposit certain sums other than rent :** -(1) In either of the following cases, namely : --

(a) when a headman or other land-owner, or an assignee of land-revenue, to whom any sum other than rent is payable on account of a liability under this Act, refuses to receive the sum from , or to grant a receipt therefor to, the person by whom it is payable.

(b) when the person by whom any such sum is payable is in doubt as to the headman or other land-owner, or the assignee of land-revenue, entitled to receive it.

that person may apply to a Revenue-officer for leave to deposit the sum in his office, and Revenue-officer shall receive the deposit if , after examining the applicant, he is satisfied that there is sufficient ground for the application, and if the applicant pays the fee, if any, which may be chargeable on any notice to be issued of the receipt thereof.



(2) When a deposit has been so received, the liability of the depositor to the headman or other land-owner, or the assignee of land –revenue for the amount thereof shall be discharged.

**139. Procedure in case of deposit on account of a payment due to Government:** -If the deposit purports to be made on account of any payment due to the <sup>1</sup>[Government], it may be credited accordingly.

**140. Procedure in case of other deposits:** - (1) A Revenue-officer receiving a deposit purporting to be made on any other account shall give notice of the receipt thereof to every person who has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled the same, or may, if he thinks fit, retain the deposit pending the decision of a Civil Court as to the person so entitled.

<sup>1</sup>*Substituted for the words "Crown" by the Adaptation of Laws Order, 1950.*

(2) No suit or other proceeding shall be instituted against the <sup>1</sup>[Government], or against any officer of the <sup>1</sup>[Government], in respect of anything done by a Revenue-officer under this section, but nothing in this sub-section shall prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it has been paid by a Revenue-officer.

### **Execution of Orders of Civil and Criminal Courts by Revenue-officers.**

**141. Orders of Civil and Criminal Courts for execution of processes against land or the produce thereof to be addressed to a Revenue-officer:** - Orders issued by any Civil or Criminal Courts for the attachment, sale or delivery of any land or interest in land, shall be addressed to the Collector or such Revenue-officer as the Collector may appoint in this behalf, and be executed by the Collector or that officer in accordance with the provisions of the law applicable to the Court issuing the orders and with any rules consistent there with made by the Financial Commissioner with the concurrence of the High Court and the previous sanction of the <sup>2</sup>[State Government].

**142. Attachment of assigned land revenue:** -(1) Not with standing anything in any other

enactment for the time being in force, an order issued by any Court for the attachment of assigned land-revenue shall require the person by whom the revenue is payable to pay it to the Collector, and the Collector to hold it subject to the further orders of the court.

(2) A payment to the Collector under sub-section (1) shall be an effectual discharge to the person making it.

### **Preservation of attached Produce.**

**143. Preservation of attached Produce:** -(1) The attachment of the produce of any land in pursuance of an order of any Court or other authority shall not prevent the person to whom the produce belongs from reaping, gathering or storing it or doing any other act necessary for its preservation.

<sup>1</sup> *Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.*

<sup>2</sup> *Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.*

(2) The attaching officer shall do or cause to be done all acts necessary for the preservation of the produce if the person to whom it belongs fails to do so.

(3) When sale of produce follows on its attachment, the purchaser shall be entitled, by himself or by any person appointed by him in his behalf, to enter on the place where the produce is and do all that is necessary for the purpose of preserving and removing it.

### **Division of Produce.**

**144. Division of produce:** - In either of the following cases, namely,--

- (a) where land-revenue is paid by division or appraisalment of the produce,
- (b) where a superior and an inferior land-owner, or two or more share-holders in a holding or tenancy, are jointly interested in any produce, and either or any of the land-owners, or tenants, as the case may be, desires the assistance of the Revenue-officer for the purpose of dividing or appraising the produce, the provisions of the Punjab Tenancy Act, 1887, with respect to the division or appraisalment of produce shall apply so far as they can be made applicable.

### **Miscellaneous**

**145. Village cases:** - (1) At any of the following times, namely,--

- (a) when a record-of-rights is being made or specially revised for an estate,  
 (b) when the local area in which an estate is situate is being generally re-assessed and before the assessment has been confirmed,

<sup>1</sup>For rules of the Financial Commissioner under section 145; see Notification No. 76; Punjab Gazette Extraordinary; 1<sup>st</sup> March, 1888. page 53.

(c) at any other time or an order made with respect to any estate by the <sup>1</sup>[State Government]

\* \* \* 2 \* \* \*

a Revenue-officer shall prepare a list of village-cesses, if any, levied in the estate which have been generally or specially approved by the <sup>1</sup>[State Government], or the title to which has, before the passing of this Act, been judicially established.

<sup>3</sup>(2) \* \* \* \* \*

(3) The <sup>1</sup>[State Government] may impose on the collection of any village-cess comprised in the list such conditions as to police or other establishments connected with the village, market or fair in or on account of which the cess is levied, as it thinks fit.

(4) The <sup>1</sup>[State Government] may declare whether any cess, contribution or due levied in an estate is or is not a village cess.

(5) A declaration of the <sup>1</sup>[State Government] under the last foregoing sub-section shall be conclusive, and shall not be liable to be questioned in any Court.

**146. Superior land owner's dues:** - Where a superior land-owner is entitled to receive in respect of any land from an inferior land-owner dues in kind or in cash of fluctuating quantity or amount, the Collector may--

- (a) on the application of both land-owners, or  
 (b) with the previous sanction of the <sup>1</sup>[State Government], on the application either of them, commute those dues into fixed percentage of the land-revenue payable by the inferior land-owner in respect of the land.

<sup>1</sup>Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.

<sup>2</sup>The word "with the previous sanction of the Governor-General in Council" were repealed by the Devolution Act, 1920 (38 of 1920), section 2 and Schedule I.

<sup>3</sup> *Sub-section (2) of section 145 repealed by Act 17 of 1896, s. 3.*

**147. Substitution of service for payment of land-revenue:** -(1) The <sup>1</sup>[State Government] may <sup>2</sup>\* \* \* \* \* authorize the remission of land-revenue in whole or in part in consideration of the person liable therefor under taking to render in lieu thereof such public service as may be specified in an agreement to be approved by the <sup>1</sup>[State Government] and executed by that person.

(2) The <sup>1</sup>[State Government], may <sup>3</sup>\* \* \* \* \* cancel any remission authorized, and agreement made under sub-section (1).

(3) If a land-owner bound by an agreement under that sub-section to render public service in lieu of paying land-revenue fails, to render the service to the satisfaction of the Collector, the collector may determine the portion of the land-revenue remitted which is represented by the service in respect of which the land-owner is in default, and with the previous sanction of the financial Commissioner, recover that portion as if it were an arrear of land-revenue whereof the service was substituted.

**148. Recovery of cost of assessing assigned land-revenue:** - (1) When land of which the land-revenue has been assigned in whole or in part is re-assessed, the assignee shall be liable to pay such a share of the cost of making the re-assessment as the Financial Commissioner may determine to be just.

(2) That share may be recovered by the Collector by the deduction of the amount thereof from the land-revenue due to the assignee.

**149. Penalty for failure to attend within limits of estate in obedience to order of Revenue-officers:** - If a person required by a summons, notice, order or proclamation proceeding from a revenue-officer to attend at a certain time and place, within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land, fails to comply with the requisition, he shall be liable at the discretion of the Revenue-officer to a fine which may extend to fifty rupees.

<sup>1</sup> *Substituted for the words "Provincial Government" by the Adaptation of Laws Order, 1950.*

<sup>2</sup> *The word "with the previous sanction of the Governor-General in Council" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.*

<sup>3</sup> *The words "with the like sanction" were omitted by the Government of India (Adaptation of Indian Laws) Order,*

1937 .

**150. Prevention of encroachment on common lands: -** (1) Where land which has been reserved for the common purposes of the co-sharers therein has been encroached on by any co-sharer, a Revenue-officer may, on the application of any other co-sharer, eject the encroaching co-sharer from the land and, by order proclaimed in manner mentioned in section 22, forbid repetition of the encroachment.

(2) The proceedings of the Revenue-officer under sub-section (1) shall be subject to any decree or order which may be subsequently passed by any Court of competent jurisdiction.

**151. Papers kept by village-officers to be deemed public documents: -** (1) Any record or paper which a village-officer is required by law, or by any rule under this Act, to prepare or keep shall be deemed to be the property of the Government.

**1 of 1872: -**

(2) A village-officer shall, with respect to any such record or paper in his custody, be deemed for the purpose of the Indian Evidence Act, 1872, to be a public officer having the custody of a public document which any person has a right to inspect,

**152. Costs: -** (1) A Revenue-officer may give and apportion the costs of any proceedings under this Act in any manner he thinks fit.

(2) But if he orders that the cost of any such proceeding shall not follow the event, he shall record his reasons for the order.

**153 Computation of periods, limited for appeals and application for review: -**In the computation of the period for an appeal from, or an application for the review of, an order under this Act, the limitation therefor shall be governed by the Indian Limitation Act, <sup>1</sup>[1908].

<sup>1</sup>*Substituted by Punjab Act 3 of 1928, section 15, for "1877".*

**154. Restriction on Revenue-officer bidding at auctions or trading: -**(1) A Revenue-officer, or a person employed in a revenue-office, shall not--

(a) purchase or bid for, either in person or by agent, in his own name or in that of another,

or jointly or in shares with others, any property which any Revenue-officer or Revenue Court in the District in which he is employed has ordered to be sold, or

(b) in contravention of any rules made by the <sup>1</sup>[State Government] in this behalf, engage in trade in that district.

## **VI of 1882: -**

(2) Nothing in sub-section (1) shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1882, <sup>2</sup>[the Indian Companies Act, 1913], or other law.

**155. Power to make rules: -**(1) The Financial Commissioner may, in addition to other rules which may be made by him under this Act, make rules consistent with this Act and any other enactment for the time being in force--

(a) fixing the number and amount of the installment, and the times and places and the manner, by, at and in which any sum other than rent or land-revenue which is payable under this Act or of which a record has been made there under is to be paid;

(b) fixing the dates on which profits are to be divisible by headman or other persons by whom they are realized on behalf of co-sharers;

(c) prescribing the fees to be charged for the service and execution of processes issued by Revenue-officers and Revenue-Courts, the mode in which those fees are to be collected, the number of persons are to be employed in the service and execution of those processes, and the remuneration and duties of those persons;

<sup>1</sup>[(d) regulating the procedure in the cases where persons are entitled to inspect records of Revenue-officers, or records or papers in the custody of village-officer, or to obtain copies of the same, and prescribing the fees payable for searches and copies <sup>2</sup>[including postage and any prescribed additional charge when a copy is supplied by post];

(e) prescribing forms for such books, entries, statistics and accounts, as the Financial Commissioner thinks necessary to be kept, made or compiled in revenue-offices, or submitted to any authority;

<sup>4</sup>[(f) declaring what shall be the language of any of those offices and determining in what cases persons practicing in those offices shall be permitted to address the

presiding officers thereof in English; and

<sup>4</sup>(g) generally for carrying out the purposes of this Act.

(2) Until rules are made under clauses (a) and (b) of sub-section (1) the sums therein referred to shall be payable by the installments at the times and places, and in the manner by, at and in which they are now payable.

(3) Rules made by the Financial Commissioner under this or any other section of this Act, shall not take effect until they have been sanctioned by the <sup>1</sup>[State Government] \* \* \* <sup>2</sup> \* \* \*

<sup>1</sup>For rules under section 155 (1) (d), see *infra*.

<sup>2</sup>Added by Punjab Act 45 of 1953.

<sup>3</sup>For rules under section 155 (1) (f) and (g), see Notification No. 76, Punjab Gazette (Extraordinary), 1<sup>st</sup> March, 1888, p. *ibid*; 1096; Part III, p. 1411.

**156 Rules to be made after previous publication:** -The power to make any rules under this Act is subject <sup>3</sup>\* \* \* \* to the condition of the rules being made after previous publication:

**157. Powers exercisable by the Financial Commissioner from time to time:** -All powers conferred by this Act on The Financial Commissioner may be exercised from time to time as occasions requires.

### **Exclusion of Jurisdiction of Civil Courts.**

**158. Exclusion of jurisdiction of Civil Courts in matters within the jurisdiction of Revenue-officers:** -Except as otherwise provided by this Act-

(1) a Civil Court shall not have jurisdiction in any matter which the <sup>1</sup>[State Government] or a Revenue-officer is empowered by this act to dispose of or take cognizance of the manner in which the <sup>1</sup>[State Government] or any revenue-officer exercises any powers vested in it or him by or under this Act; and in particular--

(2) a Civil Court shall not exercise jurisdiction over any of the following matters, namely: -

(i) any question as the limits of any land which has been defined by a revenue-officer as land to which this Act does or does not apply;

(ii) any claim to compel the performance of any duties imposed by this Act or any other enactment for the time being in force on any Revenue-officer as such;

<sup>1</sup> Substituted for the words “Provincial Government” by the Adaptation of Laws Order, 1950.

<sup>2</sup> The words, “and rules under clause (c) of sub-section (1) shall not take effect until they have also been confirmed by the Governor-General in Council” were repealed by the Decentralization act, 1914 (4 of 1914).

<sup>3</sup> The words “to the control of the Governor-General in Council and” were omitted by the Devolution act, 1920 (38 of 1920).

<sup>4</sup> For provision concerning the making of rules after previous publication see General Clause Act, 1897 (10 of 1897), section 23.

(iii) any claim to the office of kanungo, <sup>1</sup>[ \* ] or village-officer, or in respect of any injury caused by exclusion from such office, or to compel the performance of the duties or a division of the emoluments thereof ;

(iv) any notification directing the making or revision of a record-of-rights ;

(v) the framing of a record-of-rights or annual record, or the preparation, signing or attestation of any of the documents included in such a record ;

(vi) the correction of any entry in a record-of-rights, annual record or register of mutations ;

(vii) any notification of the undertaking of the general re-assessment of a district or tahsil having been sanctioned by the <sup>2</sup>[State Government] ;

(viii) the claim of any person to be liable for an assessment of land-revenue or of any other revenue assessed under this Act ;

(ix) the amount of land revenue to be assessed on any estate or to be paid in respect of any holding under this Act ;

(x) the amount of, or the liability of any person to pay, any other revenue to be assessed under this Act, or any cess, charge or rate to be assessed on an estate or holding under this Act or any other enactment for the time being in force ;

(xi) any claim relating to the allowance to be received by a land-owner who has given notice of his refusal to be liable for an assessment, or any claim connected with, or arising out of, any proceedings taken in consequence of the refusal of any persons to be liable for an assessment under this Act ;

<sup>1</sup> The words “Zaildar, inamdar” omitted by Punjab Act 27 of 1964.

<sup>2</sup> Substituted for the words “Governor-General in Council” by the Government of India (Adaptation of Indian Laws )



*Order, 1937, and the adaptation of laws order 1950.*

- (xii) the formation of an estate out of waste land ;
- (xiii) any claim to hold free of revenue any land, mills, fisheries or natural products of land or water ;
- (xiv) the amount of, or the liability of any person to pay any fees, fines, costs or other charges imposed under this Act ;
- (xv) any claim to set aside, on any ground other than fraud, a sale for the recovery of an arrear of land-revenue or any sum recoverable as an arrear of land-revenue ;
- (xvi) the amount of, or the liability of any person to pay any fees, fines, costs or other charges imposed under this Act ;
- (xvii) any claim for partition of an estate, holding or tenancy, or any question connected with, or arising out of, proceedings for partition, not being a question as to title in any of the property of which partition is sought ;
- (xviii) any question as to the allotment of land on the partition of an estate, holding or tenancy or as to the distribution of land subject by established custom to periodical re-distribution or as to the distribution of land –revenue on the partition of an estate or holding or on a periodical re-distribution of land, or as to the distribution of land, or as to the distribution of rent on the partition of a tenancy ;
- <sup>1</sup>[(xviii-a) any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under sections 101-A, 101-B, 101-C and 101-D, respectively, of Chapter VIII] ;
- (xix) any claim to set aside or disturb a division or appraisal of produce confirmed or verified by a Revenue-officer under this Act ;
- (xx) any question relating to the preparation of a list of village cesses or the imposition by the <sup>2</sup> [State] Government of conditions on the collection of such cesses ;
- (xxi) any proceeding under this Act for the communication of the dues of a superior land-owner ;
- (xxii) any claim arising out of the enforcement of an agreement to render public service in lieu of paying land-revenue ; or
- (xxiii) any claim arising out of the liability of an assignee of land-revenue to pay a share of the

cost of collecting or re-assessing such revenue , or arising out of the liability of an assignee to pay out of assigned land-revenue, or of a person who would be liable for land-revenue if it had not been released, compounded for or redeemed to pay on the land-revenue for which he would but for such release, composition or redemption be liable, such a percentage for the remuneration of a 3[ ] village officer as may be prescribed by rules for the time being in force under this Act.

## THE SCHEDULE

<sup>1</sup> Clause (xviii-a) was added by the Punjab Riverain Boundaries Act, 1899 (Punjab Act I of 1899) , s. 3.

<sup>2</sup> Substituted for the word "Provincial" by Adaptation of Laws Order, 1950.

<sup>3</sup> The words "Zaildar, inamdar or" omitted by Punjab Act 27 of 1964, section 5.

<sup>4</sup> Repealed by Central Act 1 of 1938, section 2 and Schedule.

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